THE

The Parliamentary Register;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate Copies of the most remarkable LETTERS and PAPERS; of the most material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

SECOND SESSION of the SIXTEENTH PARLIAMENT

OF

GREAT BRITAIN.

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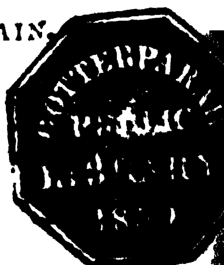
HOUSE of COMMONS,

In the SECOND SESSION of the

Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On TUESDAY the 18th of MAY, 1784.



January 25, 1785.

THIS day the Commons met, agreeable to their last prorogation, and upon summons they attended His Majesty in the House of Peers. On their return the Speaker stated that His Majesty had opened the session with a most gracious speech from the throne, of which he had procured a copy, and he begged the attention of the House while he read it. The speech was as follows:

" *My Lords and Gentlemen*,

" After the laborious attendance of the late session of Parliament, it has given me peculiar pleasure that the situation of public affairs has admitted of so long a recess.

" Among the objects which now require consideration, I must particularly recommend to your earnest attention the adjustment of such points in the commercial intercourse between Great Britain and Ireland as are not yet finally arranged; the system which will unite both kingdoms the most closely

on principles of reciprocal advantage, will, I am perſuaded, beſt enſure the general proſperity of my dominions.

" I have the ſatisfaction to acquaint you, that notwithſtanding any appearance of differences on the continent, I continue uniformly to receive from all foreign powers the ſtrongeſt aſſurances of their good diſpoſitions towards this country.

" *Gentlemen of the Houſe of Commons,*

" I have ordered the eſtimates for the enſuing year to be laid before you; I confide in your liberality and zeal to grant the neceſſary ſupplies, with a juſt regard, as well to the œconomy requiſite in every department, as to the maintenance of the national credit and the real exigencies of the public ſervice.

" *My Lords and Gentlemen,*

" The ſucceſs which has attended the meaſures taken in the laſt ſeſſion towards the ſuppreſſion of ſmuggling, and for the improvement of the revenue, will encourage you to apply yourſelves with continual aſſiduity to thoſe important objects. You will, I truſt, alſo take into early conſideration the matters ſuggeſted in the Reports of the Commiſſioners of public accounts, and ſuch farther regulations as may appear to be neceſſary in the different offices of the kingdom.

" I have the fulleſt reliance on the continuance of your faithful and diligent exertions in every part of your public duty. You may at all times depend on my hearty concurrence in every meaſure which can tend to alleviate our national burdens, to ſecure the true principles of the conſtitution, and to promote the general welfare of my People."

As ſoon as the ſpeech was read,

Mr. Phelips junior. Mr. *Phelips*, jun. congratulated himſelf on the ſatisfaction which it gave him, to have the honour of moving an addreſs for the moſt gracious ſpeech from the Throne, which had juſt been read to the Houſe. It was not his intention to recapitulate the various topics to which the ſpeech related; but it was peculiarly incumbent on him to mention, on this occaſion, that when the commutation buſineſs was brought forward, he had certainly differed from His Majeſty's Miniſters, on the probability of that meaſure. It had been his opinion, that before ſo heavy a burden was permanently impoſed on the ſubject, it ought to be tried as an experiment for a limited time, in order that the matter might be ſubject

to

to farther consideration, and altered and improved as should appear most expedient to the wisdom of Parliament. It had then appeared to him premature, and he therefore gave his negative to what he conceived must have proved ultimately abortive. He was now, however, well pleased to find he had been in a mistake, and he heartily gave the Minister credit for his consummate foresight, in opposition to the opinion, not only which he entertained, but which was entertained by many others. He trusted the House would unanimously adopt an address of thanks to the Throne, for the interesting measures recommended to Parliament in the speech; and especially for that attention to œconomy which discriminated the conduct of the present Administration. He owned himself the more struck with their frugality and management, on recollecting with what a lavish hand the revenues of this country had, on a former occasion, been squandered. He did not think it necessary to enlarge farther; but concluded with moving the address, which was to the same purport as the speech.

Mr. *Gerard Noel Edwards* said, he rose to second the motion of the honourable gentleman. Young as he was, he would speak the language of an independent Member of the British House of Commons. His loyalty to his Sovereign, his regard for the constitution, his love of his country, and especially his attachment to the right honourable gentleman, who filled the important office of Chancellor to his Majesty's Exchequer, determined him, notwithstanding the agitation he felt in addressing himself to the honourable House, under feelings peculiarly embarrassing, thus to do his duty. He was satisfied in his own mind, that a very imporant service had already been rendered to the country, by the suppression of smuggling on our coasts. This was a measure, the wisdom and utility of which, he was happy it was in his power to attest. Notwithstanding what had been clamoured to the contrary, the good effects of that act were felt and acknowledged in every place, where the inconvenience of smuggling proved a grievance. He would not go into a long statement concerning the salutary consequences of that act, which had been represented as so obnoxious. He owned, however, that the Minister stood in no need of panegyric, that his own actions were the best eulogy he could receive from friends or foes, and that whatever might be said of them, his own countrymen would long acknowledge their merit, as he hoped they would long derive peculiar advantages from them. These being his sentiments, it was with the Mr. Gerard Noel Edwards.

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sincerest approbation that he would therefore second the address.

The Earl of Surrey.

The Earl of *Surrey*, rose in answer to the gentlemen who moved and seconded the address, and begged that his animadversions might not be understood as applying any censure on that independence avowed by the honourable gentlemen, though he could not help putting them in mind, that the part they took in the debate would be considered as a kind of pledge both to the House and the Public, that they were resolved to support the measures of the present Administration. He had no fault to find with such a resolution, but trusted his strictures would not be misconstrued, when he considered what fell from them as coming before the House with a considerable degree of authority. He did not wish to debate the speech; he thought it contained but little that merited either praise or blame, or would admit of any degree of speculation. Those parts, however, which lay most exposed, and invited inquisition most, he thought it his duty to mention. The speech from the Throne had always been considered as furnished by the Minister, and was intended, according to his ideas of it, to sketch out the business of the session. In his apprehension the present was a very imperfect sketch, as containing many capital and important omissions, or deficiencies, which could not fail of exciting considerable jealousies in the minds of the Public. It was a collection of hints, many of which he did not sufficiently understand; it held out some objects of infinite consequence, but these in a light almost totally unintelligible. By the form of expression in which the estimates were mentioned, he was altogether at a loss to know whether any new burdens were to be imposed or not. If it was practicable, and the Minister had the prospect of realizing the idea of carrying through the necessities of the year without farther burdens, he thought it a pity not to make the public acquainted with such good news; but, if no such idea was in contemplation, he appealed to the House, whether the words thus used might not tend to cherish such an idea in the minds of the People: he certainly gave the Minister much deserved credit for his attention to the public expenditure; and was, therefore, the more astonished, that on this occasion, nothing of that kind was either hinted in the speech, or by any thing said in support of the address. Another matter he had expected to have heard something upon, and that was the farther reduction of the army. Having thus stated, what might appear to the House to be deserving of some blame, he

he said, he would proceed to the more agreeable task of pointing out things in the speech, that, he acknowledged, gave him great pleasure. The manner in which Ireland was mentioned was one of these. The subject was a delicate one, and he thought it wiser to touch upon it in a general way, than to point specifically to any particular design in respect to that country. He mentioned the attachments that had been lately issued against Sheriffs of the counties in Ireland, for having convened what he could not consider but as a meeting perfectly legal and perfectly constitutional.* The circumstance was extremely alarming; he trusted therefore, that it was meant to do something upon the subject. To assemble for the purpose of considering of a parliamentary reform, appeared to him to be the last matter that should be proceeded against, more especially in so extraordinary a way as by attachment. His Lordship descanted also on the last section of the address, and particularly on His Majesty's assurance of his hearty concurrence in every measure that could tend to "*secure the true principles of the Constitution.*" The expression, he remarked, was a general one, and required some explanation. A late attack had been made on the rights of juries†, that had shocked and alarmed the whole kingdom. Was that to be comprehended under the allusion? and was it meant to come to such measures as should effectually secure the rights of juries for the future? He declared he meant not to say any thing personal or invidious with regard to the learned Judge, by whom the attacks upon the rights of juries had lately been made. On the contrary, he had the first opinion of his abilities; he believed him to be as learned as any man in Westminster Hall, and that he meant to do every thing that was right and proper. Nay, so high did he stand in his character of a Judge in the general opinion, that he had been almost universally looked up to, before the event alluded to, as

* An attachment was issued against Mr. O'Reilly, sheriff of the county of Dublin, for having convened an aggregate meeting for the purpose of chusing Delegates to represent the county in Congress. The Sheriff suffered fine and imprisonment.

† On the trial of the Dean of St. Asaph for publishing a paper intitled "a Dialogue between a Gentleman and a Farmer," Mr. Justice Buller maintained the doctrine, that juries had no right to judge of the law, but of the fact. The jury gave their verdict "guilty of publishing only"—but after an argument between the Court and the defendant's Counsel, the jury added to their verdict—"but whether a libel or not we do not find." The Court of King's Bench, Mr. Justice Willes excepted, countenanced the doctrine, but acquitted the Defendant on a flaw in the indictment.

as the fittest person to fill that eminent situation in the law, that might, in the course of nature, in a few years, become vacant. He wished to know, whether the rights of Juries was the matter alluded to? or whether the Westminster scrutiny, by which the rights of election had been violated, was what the expression bore reference to? Perhaps it might be the reform of the representation in Parliament that was meant. All bills, he observed, necessarily required the concurrence of the three distinct branches of the Legislature, but if there was any matter likely to be agitated in Parliament, that more particularly belonged to their single consideration, and to which, if they made up their minds, it might be expected that the other House and the Crown would not deny their consent, it was undoubtedly a reform in the representation of the People. His Lordship dwelt for some time on this theme, and ended with saying, that although he did not mean to propose any amendment, or wish to object to the address that had been moved, yet, unless some explanation was given him by the Minister, or some of his friends, on the [illegible] head, to which he had alluded, he should think himself obliged to refuse his consent to the motion.

Mr. Chancellor Pitt. Mr Chancellor *Pitt* rose after some little pause, and said, he had thought it his duty to wait, in order to hear what objections could possibly be made to the address just moved, that he might once for all satisfy such gentlemen as wished for any explanation respecting any part of the speech or the address. From the silence of the House, and the strong appearance of unanimity, he said, he augured well of the ensuing session, and he rose then to say a word or two upon what had fallen from the noble Lord over against him, but he should hope for the indulgence of the House if any farther observations should be made in the course of debate, that might require an answer. The noble Lord, he remarked, had set off with asserting, that he saw many deficiencies in His Majesty's speech, and address; an assertion which, if his memory served him correctly, the noble Lord had not completely made good, having stated no more than two matters, which he had charged as deficiencies, and which would have been in his opinion rather extraordinary, had they been noticed in the speech. With regard to the first of these, viz. the question whether there was to be a loan and any new taxes, those were points which he conceived that was not the proper day for discussion. The language of the speech, however, gave no intimation that could warrant any conclusion similar to that suggested by the noble Lord, indeed

it would have been equally novel and singular for His Majesty to have said any thing like it to his Parliament, because it was not possible for the facts to be known, which could alone have justified any such declaration. The language of His Majesty to that House on the subject of supply, was the language proper for His Majesty to hold: he had told them, that he had ordered the estimates for the ensuing year to be laid before them, and that he confided in their liberality and zeal to grant the necessary supplies, with a just regard as well to the œconomy requisite in every department, as to the maintenance of the national credit, and the real exigencies of the public service. In the address they had promised to fulfil His Majesty's expectations, to grant such supplies as the maintenance of the national credit, and the real exigencies of the public service, might require.

It was only necessary, in this summary manner, to pledge themselves to their constituents, that their measures would be squared by the necessities of public affairs. He was therefore at a loss to conceive at what species of information the noble Lord pointed. He certainly could not suspect there was any intention of drawing him off his guard, or tempting him from that line of prudent reserve which it was his duty to maintain. Whatever the idea of the noble Lord might be, all he was at liberty to say was, that it was the great object of Administration to narrow the public expenditure as much as ever they could. This was their great principle; and he was not without hopes that they would be able to carry it through every department of state. They were united in the resolution of supporting, by all their influence and address, the credit of the nation. But this could not be done without providing for the unfunded debts. Every retrenchment then, which any office or offices might admit of, would certainly be carried into the speediest execution: and so far was he of opinion, what the noble Lord had said concerning the reduction of the army, was answered. He presumed gentlemen on all sides of the House would think it peculiarly premature to enter now into a particular investigation or statement of such topics as, in the course of business, must infallibly come under separate and minute discussions. The time when the reduction of the army came to be debated, would be on laying the estimates specifically before the House; then an opportunity would occur for stating whatever objections could be fairly brought against Administration on that subject: but to anticipate such a debate on a motion for an address to His Majesty, would merely, in point of time, be out of all order.

order. With regard to the other matter pointed out by the noble Lord as a matter that ought to have been mentioned in the ſpeech, viz. Whether there was to be any additional reduction of the army, that was a queſtion which belonged to a ſeparate and diſtinct diſcuſſion, that gentlemen well knew would be brought on at a future day, but which certainly was not entitled to make any part of His Majeſty's ſpeech from the throne. Having thus anſwered what Lord Surrey had ſtated as the two deficiencies in the ſpeech, Mr. Pitt ſaid, undoubtedly it was perfectly conſtitutional for His Majeſty's ſpeech to be conſidered in that Houſe as the ſpeech of the Miniſter: this, for the purpoſe of debate, cuſtom had very properly ſanctioned; but he believed it had not been uſual to puſh the idea to ſo latitudinous an extent, as to conſider the ſpeeches of the mover and ſeconder of the addreſs as the ſpeeches of the Miniſter likewiſe. This, however, the noble Lord had done, for the firſt time, that day; nay, he had done more—he had even cenſured the mover and ſeconder, not for what was, but for what was not, in their ſpeeches. For certainly neither of the honourable gentlemen, whoſe favourable opinion of his conduct did him the higheſt honour, had ſaid one word on the ſubject of a reform in the repreſentation of the People in Parliament: not that he was ſorry for what the noble Lord had ſaid upon that ſubject; on the contrary, he was extremely glad that a parliamentary reform had been mentioned. Perhaps he did not differ with the noble Lord in thinking that the moſt practicable mode of accompliſhing the object of amending the repreſentation of the People, would have been to bring it explicitly forward in His Majeſty's ſpeech. Great and wiſe men had entertained various conceptions of that important matter. He was willing to give it all the fair play, to which the ardent deſire of the People, its own momentous conſequence, and his ſincere inclination, entitled it. On this buſineſs he laboured inceſſantly. It was that which, of all others, was the neareſt his heart: and at this very early period of the ſeſſion to have ſtated it ſpecifically, was impoſſible. Much was ſtill to do. His ideas were not matured. It comprehended a great variety of conſiderations: it related to the eſſentials or vitals of the Conſtitution; it therefore required the moſt delicate and unremitted attention: it was a path which he was determined to tread; but he knew with what tenderneſs and circumſpection it became him to proceed. He hoped, however, in a few days to be able to name a day in which he ſhould have the honour of ſubmitting his propoſition to the Houſe. It

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was his aim to propose a specific plan of reform, which, in his judgement, for of that only he spoke, and for that only he pledged himself, as every man would undoubtedly judge in so great and critical a case, according to the best of his own judgement, which he presumed would be an improvement of the Constitution, as it would confer permanency and effect on those principles which constituted its distinguishing excellence. To this measure he pledged himself, but did not feel any obligation to define it at present, nor was he willing to bring it forward too early, lest he might not leave himself sufficient time for digesting what he should think it incumbent on him to lay before the House. But he was anxious to improve his plan with whatever was requisite to render it effectual, and to bring it on with every solemnity which could contribute to its influence and respectability. He should therefore chuse that a motion for a call of the House should precede it, in order that the friends and opposers of the motion might have a fair invitation either to support or contest it. He would intrude but one word more on the patience of the House, and that was, to beg that the honourable gentlemen on all sides, whatever their opinions might be, would divest their minds of every prejudice, and endeavour to meet this pressing and important discussion with candid minds, biassed by no prepossession, or pre-conceived by no predilection to any mode of representation preferable to another, and influenced by none of the schemes and writings which they had seen of late. In this disposition of mind, the object would be impartially investigated; and this was their duty on all questions which challenged their attention, as the delegates of a great and powerful People: but it more particularly became them to decide the subject of a reform in the representation of their constituents, as that was a business in which they were more immediately and deeply interested. He offered no advice to them which he would not himself endeavour to practise. He thanked the House for their attention. He presumed he had not encroached on their patience more than his duty and situation made it necessary. He was always proud of their indulgence and confidence; and he should make it the study of his life to abuse neither the one nor the other.

Lord *North*, in acquiescing with the address, which, from the faithful Commons to the Throne, he thought could never be too unanimous, was, notwithstanding, solicitous that his sentiments might not be misunderstood. He protested against the charge of presumption in what he had to observe; no man was less willing than he to suggest any thing which Ld. North.

might lessen the union which the present ad[illegible] to meet from the obvious temper of t[illegible] the words might be construed more ways th[illegible] be excused in pointing out that sense in which [illegible] to agree with them. The words were all elegant [illegible] unexceptionable. They were only liable to be mistaken as conveying a meaning which he was aware the right honourable gentleman over against him never intended This much he was happy in, that he could very cordially and sincerely join issue in the address, which, like all other addresses, was no more than an echo to the speech. He was as firmly persuaded as any man, and no man was more happy in his persuasion than he was, that His Majesty was ready to give his hearty concurrence in every measure which can tend to alleviate our national burdens, to secure the true principles of the Constitution and to promote the welfare of his People. Unfortunately some small differences were entertained concerning what those measures were which were most calculated to secure the true principles of the Constitution He disclaimed any sentiments whatever which had not this direct, invariable, and unequivocal tendency. He was shy to say what his opinions were, and there could be no reasoning on what was not known, but there were other channels of information, than from the Minister in his ostensible capacity, in that house. It was certain the Public had other conceptions, than those oblique and covert ones, that the Minister had barely glanced at now. His Lordship then referred to the Rev. Mr Wyvill's letter*, which taught the People to believe that an equal representation was a measure to which the Minister had pledged himself both as a man and a minister. He

* A circular letter sent by the Rev. Mr. Wyvill, to the Chairmen of the several Committees of the counties and cities associated for the purpose of obtaining a reform in the representation of the People. The following is a copy of the letter:

" *Nerot's Hotel, King Street, St James's,*
" SIR, " *December* 27, 1784.

" I AM authorised by Mr. Pitt to declare, that he will bring the " subject of a parliamentary reformation before the House of Com- " mons as early as possible in the next session, that he will support " his intended propositions to the utmost of his strength, and that he " will exert his whole power and credit, *as a man, and as a minister*, " *honestly* and *boldly*, to carry such a meliorated system of representa- " tion as may place the Constitution on a footing of permanent secu- " rity. I am happy to communicate this intelligence, which, I trust, " will

He rejoiced to find this declaration premature, that it was not authorised, and that the question was to take its chance, without having any dependence whatever on his official capacity. He confessed that letter had not a little alarmed him, as it threatened to bring an influence in, and on that side, which he should always resist, much more formidable than all the right honourable gentleman's eloquence, which he acknowledged was itself sufficiently powerful. He hoped, however, gentlemen would pause a little on what their suffrages were thus likely to be demanded. The point was no new one, it had been discussed by gentlemen out of place, and with a weight of argument, which all his honours could, apart from the fond suggestions of ambition but little augment. Was it not then thrown out by a great majority? What could be urged in its favour, which had not already been urged, said his Lordship, in this House? Gentlemen would do well to take care how, thus circumstanced, they dispose of their opinions. However conscientiously they may act, the Public will pronounce on what they do, and it remains with them to determine whether it would, on such a supposition as this, be possible to account for their relinquishing their former sentiments, grounded on conviction and fair and upright principles of conduct. He was therefore as serious and important as the Minister could be, in exhorting gentlemen to enter on the decision of this great principle with singleness of mind. Nothing could affect the Constitution more deeply. It involved all that was dear to Englishmen — all that did reverence to our ancestors — all that rendered the name of Britain respectable to friends and foes. He conjured every member of the House, on that account, to revere, with

" will give pleasure to you, Sir, and to every firm and unquestionable
" friend to the rights of the People. And from recent communication
" tion in Yorkshire, I can venture to assure you, that it is highly
" probable, if the borough of ————, and other respectable bodies,
" should be heartily disposed, on this occasion, to testify their senti-
" ments in favour of political reformation, a vigorous effort would
" be made in Yorkshire, in concurrence with them, to give effectual
" support to the necessary measure — the improvement of our repre-
" sentation. " I am, with great respect,
" Your most obedient,
" humble servant,
" C. WYVILL."

" As the appearance of this intelligence in the newspapers, for some time,
" would do infinite disservice to the cause, I would request you to *avoid* that
" with caution, though, short of publication, I think it cannot be too gene-
" rally known."

 accuracy

accuracy and veneration, the system of policy which had been handed down from generation to generation with so much zeal, and at such an expenditure of blood and property This was their duty to their country, to their King, to their constituents, and to their posterity, and if they felt its importance as he did, they would regard it with sincerity, fidelity, and conscience To talk of securing the true principles of the Constitution by any innovation, appeared to him to be a direct contradiction in terms; he could not, for that reason, listen to so strange a position. He joined with the right honourable gentleman who had just sat down, most heartily in his earnest entreaty that gentlemen would not suffer their minds to be prejudiced. He begged that nothing they had heard, nothing they had read, and, what was more, nothing they had seen, and where, at any time, or in any shape, whether under the form of authority or not, whether in a common newspaper, or any where else, might be suffered to bias their minds. He hoped, that not only what the man had formerly said, but what the Minister had said that day, or was reported to have said any other day, would not be suffered to make the smallest impression. The influence and weight of a great Minister was, in his mind, as bad an influence, and as necessary to be guarded against, as any influence whatever. His Lordship here proceeded to comment on Mr. Wyvill's circular letter on the subject of parliamentary reform. He selected that part of it, which stated that Mr. Pitt had promised to exert his whole power as a man, and as a Minister, honestly and boldly, to carry a proposition of a parliamentary reform, and asked, what was meant by the opposition of the word "Minister" to the word "Man?" He said, he presumed the meaning was, that the Minister was to do something more than the man could do, and what that something was, he declared he was at a loss to imagine. He asked also what was meant by the words "honestly and boldly?" and enumerated the former efforts made by Mr. Pitt to procure a parliamentary reform, in order to prove that a Minister could do no more than a man, but that by the introduction of the words "honestly and boldly," it appeared as if a suspicion had been entertained that the Minister would not do as much as the man. He then reminded such gentlemen who had formerly voted against a reform, of the indelible disgrace they would infallibly entail on themselves, if they gave the Minister that support which they had formerly refused to the man. He then remarked, that it might be a matter of great inconvenience, that the subject had been

agitated

agitated that day, and expressed a wish that the Minister had not lent it the weight of his authority and interference in the manner in which he had delivered himself in the course of the debate. He said, the circulation of an intention to make any proposition of reform, was a matter, in his opinion, extremely dangerous. Nay more, Mr. Wyvill, in the postscript to his letter, had declared that he thought the publication of that letter dangerous. How Mr. Wyvill could reconcile it, that it was safe to have printed what he had himself declared it was dangerous to have published, or how he could justify circulating the letter throughout the whole kingdom, after having given it as his opinion that it would be dangerous to have it published, he could not conjecture. His Lordship declared, that his reason for assenting to the address was, because the words of the last paragraph in the speech were so general, that he could do it with a safe conscience. Instead of considering them as having reference to a parliamentary reform, they might possibly allude to the proceedings at Westminster, to that violent, unconstitutional, and most oppressive violation of the rights of election! or they might allude to the late attempts to deprive juries of their powers, or to any thing else. Lord North touched upon Ireland, and said, he could not conceive how that could be criminal in Ireland, and punishable by attachment from the Court of King's Bench, which was publicly encouraged in Great Britain by the King's Minister; he said he had no manner of objection to adjusting such points in the commercial intercourse between this kingdom and Ireland, as had not been finally arranged; but the word "reciprocal," he declared, rather alarmed him, and hurt his ear. It reminded him of the definitive treaty between Great Britain and the United States of America, in which reciprocity was declared to be the cement of perpetual peace and harmony, and yet every body knew, that in the future articles of that treaty, all the reciprocity was on one side. He hoped the same sort of reciprocity was not now about to be established, but that the new interpretation of the word "reciprocal" was to be abandoned, and the old sense restored. Having diverted the House with this idea, his Lordship concluded with declaring, that for the reasons he had stated, he should vote for the Address.

Mr. *Burke* began with assuring the noble Lord who spoke early in the debate, that he could supply the want of deficiencies which the right honourable Chancellor of the Exchequer had imputed to his Lordship, as a proof that he had not made Mr. Burke.

made good his assertion that there were many deficiencies in the speech from the throne. Mr. Burke remarked, that though the present was one of the shortest speeches ever heard, yet, that so far from its meeting with that unanimity which the Minister had been in such a hurry to flatter himself with, it had provoked as many different opinions as the longest speech ever made had excited. He compared it with the speech from the throne in the administration of the Earl of Shelburne, and said, it seemed as if the same persons who produced that famous catalogue of professions and promises, had produced this, and that having had so large a litter in 1782, they were exhausted now, and able only to bring forth the little sneaking remnant on the table. He ridiculed the speech of 1782, and compared it to the large pye which the hospitable Lord Surrey had presented to his constituents at Carlisle. The speech of 1782 was, he said, in like manner, an enormous chicken, duck, hare, goose pye, fit to be set upon the table as a matter to be admired as well as to be eaten; whereas the present speech was one of those petty patties that people all relished. It was so full of equivocation and double-meaning, that every man of every opinion might find some part or other of it, that would meet his sentiments, or bear a construction similar to his sentiments, be they what they might. Thus, one of his noble friends had said, he approved it because it bore a concealed reference to a parliamentary reform; another noble friend approved it, because it did not convey any such meaning; and before the debate was over, he had no doubt but various other reasons, of a nature equally opposite and various, would be assigned for assenting to it. With regard to the intended motion for a parliamentary reform, he understood it was to consist of an addition of sixteen. If any alteration were made, he should consider it as the death and burial of the Constitution, and it was indifferent to him, whether it was buried in linen or woollen, whether it had sixteen or sixty more pall-bearers. He adverted to the late proceedings against the Irish sheriffs, unjustifiable, he said, on principles of reason or of law. They were not by way of information or indictment, but by an attachment *ex officio*, wherein, without any application made, the King's Bench assumed a power unknown to the constitution. I do not, continued he, mean to make any particular inferences from the affairs of Ireland, distinct as it is from this, an imperial kingdom itself; but must arraign the conduct of that Minister who can thus punish in one kingdom what all his authority is employed to recommend in another. Will any person say, that on the face

face of things it implies not a manifeſt contradiction, or that the *Tyrii bilingues* of antiquity are not renewed in our preſent hopeful Adminiſtration. With reſpect to the ſpeech, he would ſay he diſliked it, and that for a very ſtrong reaſon, and that was the total omiſſion, the unpardonable omiſſion of a ſubject of the greateſt magnitude, a ſubject of the firſt importance, and a ſubject, in compariſon with which, all conſideration of a parliamentary reform, all conſideration of Ireland, dearly as he loved his native country, and highly as he wiſhed its welfare, appeared to be trivial toys. What he alluded to, was the total ſilence of the ſpeech with regard to the Eaſt Indies. Our dominions there were, he ſaid, the greateſt ſtake this country had to riſque, and ſuch was the preſent ſituation of affairs there, that they called loudly for the immediate notice of Parliament. Why Miniſters had neglected to adviſe his Majeſty to recommend our affairs in the Eaſt Indies to their notice, he was at a loſs to imagine. There was at this moment in India as great a phenomenon as ever the world had produced. A perſon, who ſtood not as a delinquent, but as a criminal, in the eye of that Houſe, whoſe criminal charge was on the records of their journals, and whoſe recal had been ordered by that Houſe, nevertheleſs, in defiance of their authority, that criminal was at this moment commanding our armies, and directing the expenditure of our revenues in Bengal. In order to convince the Houſe of the terrible ſituation of our affairs in a particular part of Hindoſtan, Mr. Burke read to the Houſe the following extract from Mr. Haſtings's letter, lately publiſhed *:

" On my way, I had the alarming perſpective of a ſoil ſo
" completely exhauſted of its natural moiſture, by the failure
" of one entire ſeaſon of the periodical rains, that, except the
" fields of grain which have been kept in vegetation by the
" uncommon labour of the huſbandmen, and were ſtill cloathed
" with a luxuriant produce, or remained the ſtubble of the
" recent harveſt, the plains exhibited an appearance of bar-
" renneſs ſo dreary, that even the roots of its former her-
" bage no longer exiſted, and the deep ravines, and beds of
" rivers, which I paſſed, threw up clouds of duſt from their
" channels."

The country thus deſcribed, Mr. Burke ſaid, was larger in extent than England. He expatiated upon the wretchedneſs

* A letter from Mr Haſtings to the Court of Directors, dated from Lucknow, the 30th of March, 1784, with a poſtſcript, dated the 13th of April. It was firſt made ſecret at the India Houſe, but afterwards publiſhed by Debrett

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of the inhabitants, and reprobated the plan proposed by Mr. Hastings to withdraw the influence of the British government from Owde for ever. He termed Mr. Hastings a Mussulman, and gave the House information, that all the upper part of Hindostan was in a state of open rebellion, and that Mr. Hastings had actually contracted for a new war in India, and that in fact there would be two wars in that country very shortly. Though the affairs of the East were enveloped in a mysterious secrecy, though the proprietors looked at present more for diamonds than discoveries, yet it was now clear that the country was in a state of distracted rebellion could not long be concealed. That the criminal against whom that House fulminated its censures, yet retained the reins of government, that he has had the insolence to level his designs against the man (Lord Macartney) who had been honoured by the approbation of that House, were facts well known. It remained for him to add, that profusion on the one hand, and peculation on the other, had left no money to purchase the investments of the Company, that even their Treasury orders passed at a discount of 12 per cent.; that the expences of the establishment had been gradually raised to the enormous sum of 512,000l. per annum, and that thus situated, Mr. Hastings had dared, without the knowledge of Government, or the Proprietors, actually to engage in a war, hazardous and desperate in the extreme, as if to fill the measure of calamity, and complete the ruin he had begun. He reprobated the idea of thinking to extract from the distresses of Hindostan any alleviation of our burdens; pledged himself in the most solemn manner to support his assertions with proofs the most irrefragable, and concluded his long speech by moving an amendment to the address to the following purport:

"Convinced by fatal experience, that every diversion of "the revenues of the East Indies, from the local establish- "ments or just appropriation, must ultimately tend to the "ruin of that country, and to lay additional burdens upon "this, your faithful Commons beg leave to assure your Ma- "jesty, that we will inquire minutely into the circumstances, "to prevent peculation in future, and to punish the offen- "ders, if they can possibly be discovered."

Mr. *Fox* rose next, and began with declaring, that though he most cordially concurred in every thing that his right honourable friend had said on the subject of India, and thought it highly necessary that some notice should have been taken

of it in his Majesty's speech, that nevertheless he should give the address his assent; and that he should do so, whether the amendment was carried or not. Mr. Fox then went into a discussion of Indian affairs, declaring that he begged pardon of the East-India Directors for having supposed that no system of government of India could be so bad as that carried on under their direction. Experience had shewn, that under the present absurd and miserable Board of Control as much peculation and corruption was carried on in India as ever. But as this subject would soon be brought forward in the House, either for advice or crimination, he would dismiss it for the present. He desired not to be understood as pledging himself to any particular measure, by giving his consent to the present Address. As far as what was in it went towards a declaration that the measures lately pursued for the prevention of smuggling had been effectual, he had no objection, because he had been told they had; but if any thing like an approbation of that wild, unjust, oppressive, and severe burden on the public, the commutation tax, as it was called, was implied under the approbation of the measures against smuggling; to that he did not assent, because he held it in utter abhorrence. It reminded him, he said, of a language that had been held during the administration of the present Marquis of Lansdown, of increasing the revenue by taking off taxes; an idea as absurd as ever entered into the mind of man. The commutation tax had acted exactly in the contrary way; it had added to the burdens of the people, without increasing the revenues of the country. Having stated the hardship put upon the public by the commutation tax, and particularly reprobated it as a most ill-timed measure, it being suggested and carried at the very hour when the public were unavoidably to be galled by new and burdensome taxes, Mr. Fox spoke of the unanimity which Mr. Pitt had mentioned with so much satisfaction as marking the proceedings of the day, and advised the Chancellor of the Exchequer not to draw too flattering a presage from the circumstance. He put him in remembrance that the two last addresses at the opening of the two last sessions of the old Parliament, had been carried unanimously, and that nevertheless the two administrations then respectively in office, had been speedily afterwards overthrown; a circumstance as little to be expected by them, and as little probable at the time, as a sudden overthrow of the present Administration was or could be. With regard to what had been

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said on the subject of a parliamentary reform, Mr. Fox declared himself a fast friend to a measure of that tendency, but he could not but conceive that the Minister's proposing a specific proposition was the most unlikely means to obtain the end. He proceeded to remark on a letter circulated by the reverend gentleman, (Mr. Wyvill) wherein the Chancellor of the Exchequer was said to have promised his support as a man and a Minister. Of this he required an explanation; to support as a Minister, could literally but mean, as a servant of the King; nor could it be tortured into any other sense, unless it applied to the exertion of an undue influence, which the Constitution did not acknowledge, and which, therefore, he hoped the honourable gentleman would disavow. He then alluded to the Westminster scrutiny, of which, he said, he would not at present anticipate a future discussion; but that surely every pretension to reform was in itself a mockery, when such a power was permitted in a returning officer, as to delay the return, for years perhaps, according to his pleasure. He then took notice of the reduction of the army, and said, that if, notwithstanding the pacific assurances His Majesty received from all foreign powers of their good disposition towards Great Britain, Administration had reason to suspect that something would, or only imagined that something might arise upon the Continent, likely to affect the interests of this country, they would do wisely not to reduce the army any lower. He reminded Ministers of the necessity for their keeping a wary eye over the conduct of the House of Bourbon, and bid them look to the preservation of the balance of power in Europe, which had ever been thought material to the preservation of the interests of this country. The management of the military force, he observed, was no part of the privilege of that House, but rested in the King and his prerogative. In fact, the army was altogether in the hands of the executive government, and in the nature of things, the conduct must be entrusted to the executive government. His Majesty came to that House to ask a supply for the pay and cloathing of the army, and that House had it then in its power to check any abuse the executive government might commit in that respect; but if it were possible that a King of Great Britain could be imprudent enough to keep up too small a military force, in a moment of alarm, (which certainly was not very probable, as kings were generally inclined to maintain as large an army as their subjects would pay for) he for one should think it expedient

expedient that the House should address the Crown, and advise the having a larger army; he hoped, therefore, that Administration would not, if they saw occasion to the contrary, think of making an additional reduction of the army. Mr. Fox said, he hoped also, that Administration would have the firmness, if additional burdens were necessary for funding the remainder of the national debt, and for providing an annual surplus of the nature of a sinking fund, for the purpose of diminishing that debt, to propose such measures as were necessary. Let Administration be composed of what men it might, however opposite their political opinions, they might rest assured of his hearty support. The objects were great national objects, and in all such he was ready to agree. Mr. Fox commended that part of the speech, which advised the consideration of the matters suggested in the Reports of the Commissioners of Accounts, and said, he hoped the consolidating the duties of the customs would be among the matters so taken under consideration. He commended also Mr. Pitt's intention of moving for a call of the House, in order to procure a full attendance, when the subject of parliamentary reform should be brought under discussion, and said, he had it in his intention to propose various motions relative to India and other topics, which deserved the maturest consideration. He therefore should take advantage of the proposed call of the House, although the business of the session was likely to be so extremely important, that, in his opinion, every gentleman who had any regard for the public interests, any sense of what he owed to his country, ought to need no greater stimulative to attend constantly, than the reflection of the magnitude and multitude of the objects that must necessarily be submitted to parliamentary debate and deliberation. Mr. Fox reprobated the issuing attachments from the Court of King's Bench in Ireland. If, says he, the pillars of the Constitution are to be sapped, and the sacred rights of juries are to be invaded, our expected reform is frivolous and futile. I will not say but that the measure may be necessary here, which in Ireland circumstances may render inexpedient. But I must insist, that in both cases, the meetings are precisely the same. There cannot possibly be guilt in one, and innocence in the other; and from this truth, what alarming inferences are not to be drawn? We know the Minister not to be hostile to the measure; we can therefore only argue, that in the violence of this procedure, he seeks to establish a precedent which he may find useful. He concluded

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cluded with saying, that to the address he gave a qualified consent. He had interpreted it according to his own ideas; but when it was mentioned, that the "true principles of the "Constitution were to be secured," no person, in his opinion, could vote as he did, unless convinced with him, that causes of danger did then exist.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* claimed that indulgence, which, in his former speech, he had said he should hope for. He directed what he said to different parts of the speeches of Mr. Burke, Lord North aud Mr. Fox. He began with remarking, that Mr. Burke had observed, that the unanimity he had flattered himself with was not likely to take place, but that the speech of the day, although it was so remarkably short, was likely to give rise to as much diversity of opinion as the longest speech that ever had been made. The right honourable gentleman, he said, was, of all men, the best qualified to judge of the comparison between a very short and a very long speech; he would, nevertheless, tell the right honourable gentleman, that the unanimity which the present speech was likely to meet with, would be exactly the same with the unanimity that attended the longest composition ever moved in that House, and which took up four hours delivering in the last session of Parliament. Mr. Pitt took notice of Lord North's animadversions upon the word "reciprocal." The noble Lord, he declared, had so much wit, and was capable of using it in such a variety of ways, that it was always a disappointment to him, whenever the noble Lord condescended to say the same thing twice upon the same subject. Two years ago, the House would recollect, they had been diverted with the noble Lord's pleasantry on the word "reciprocal." Little did he imagine at the moment, that two years afterwards it would rise up again against him; indeed, had it been possible for him to have foreseen such an event, he might easily have changed it for another word which had excellent authority. Mr. Pitt then read from the Journal of May 17, 1782, the following resolution:

"That it is the opinion of this House, that it is indispen-"sable to the interest and happiness of both kingdoms, that "the connection between them should be established by mu-"tual consent, upon a solid and permanent footing."

This resolution, he said, had been moved by the Secretary of State, and it was in order to fulfil the meaning of the resolution, and to establish the connection between Great Britain and Ireland by mutual consent, that he, and those with

with whom he had the honour to act, had advised his Majesty to mention Ireland in the manner in which it was mentioned in the speech from the throne. He believed it would be pretty generally agreed, that there could be no mutual consent where there was not a reciprocity of advantage; and, therefore, though the word reciprocal had drawn some ridicule from the noble Lord, he flattered himself the House would not think it an improper one to be used on the occasion. He could not advert to those inflammatory topics, which, in the progress of debate, had been adduced respecting some recent transactions in Ireland. Strange analogies had been brought forward on this subject. It had been alledged that it was the intention of Ministry not to import sugar from Ireland; but on what grounds were these assertions founded? He would not enter into a discussion of them. —The recent transaction alluded to in Ireland in a constitutional point of view, admitted of no difficult explanation. It depended upon two circumstances, which were of an obvious nature, and on the issue of which the whole affair turned, viz. Whether the Court of King's Bench had done right; or, supposing they had done so, whether their decision had altered the Constitution? This was the hinge of the question, and till either of these points was settled, the cause must remain at issue, and in that situation he would leave it. With regard to the consequences that were predicted to follow the unanimity of the day, he was not so much inclined to superstition as the noble Lord, nor could he be brought to believe his prophecy. Unanimity had preceded the fall of other Ministers. The language of prophecy, however, was often ambiguous, and not always to be relied on. Were he to look back to the history of the Administrations, whose fall had been preceded by inauspicious unanimities, he could form various predictions, which would stagger the faith even of the most credulous. Had any one, for example, affecting a spirit of prophecy, at a period preceding the fall of that Administration, at the head of which the Marquis of Lansdown stood, predicted, that two great parliamentary characters, who had always moved in different lines, who were known to each other only by their political animosities, whose opposition was avowed, whose resentments seemed implacable, and their hatred fixed, should, in a mysterious moment, coalesce, and unite in ejecting a Minister, by reprobating a peace which the one had rendered necessary, and the other had declared to be so.

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Would such a prophet have conciliated the faith of the nation, and of mankind? Yet, this House knows, says he, the nation knows, Europe knows, and the world knows, that such a fatal coalition was formed, and still exists at this hour. But to go on a little farther: — At a subsequent period to that epoch, had any man, affecting the spirit of prediction, affirmed, that this confederation of sworn enamies and avowed friends were, in the plenitude of their power, full of the object; but forgetting the means of its accomplishment amidst the intoxications of ambition and the delusions of power, to arrogate to themselves the riches and the royalty of the country, and of the Crown — to confiscate the property of the subject — but in so daring an enterprise to alarm the nation, and to accomplish their own overthrow in the very attempt towards monopoly and aggrandizement, would any one have credited the soothsayer, or paid any respect to his prophecy? Yet, strange as these events might seem in the prospect, we find them developed by the hand of time, coming forth in mysterious progression out of the womb of futurity! By one bold and desperate attempt, that shook the Constitution to the center, they alarmed and shocked the fears and feelings of the people, and thus an end was suddenly put to their career, in the very moment that they fondly dreamt that it was to last for ever. The dread of such another violation of the Constitution still hung upon the People's minds, and hence arose the necessity for His Majesty's declaring in the speech, that he would concur in any measure which could tend to secure the true principles of the Constitution. It was to guard and preserve inviolate the just balance of the three estates from a similar attempt to destroy it, that the measures in question would be brought forward. It had been asserted, that the speech had taken no notice of points of the deepest importance to the nation. One honourable member in particular had remarked, that it took no notice of grievances which he had described with all the flowers of imagination, as superior to the subject of Ireland, and did not contain the substance of a paper which he held in his hand, and had read, in mutilated passages, culled out, no doubt, for his purpose, to the House. But was there any ground for such an objection? Upon the authenticity of that paper, he would not decide; but the insertion of it would have surely been ridiculous, as coming from the throne. India had been the constant theme of preceding speeches; but it was now asked

why

why India was forgot? He would state to the honourable gentleman the real ground of the omission.—During a succession of sessions of Parliament for several years past, it had been the constant practice of His Majesty to recommend to the consideration of both Houses, the state of India affairs. But it had been also the uniform practice of Parliament to pay no attention to those recommendations from the throne. During the last session of Parliament, however, the business had undergone the minutest discussion, and regulations had been adopted, and had since produced the most salutary effects. When the evils complained of were then removed; when those laws which were wanted were in full force, was there any necessity for suggesting the subject afresh to the consideration of the House? The business was ended. It was therefore unnecessary to revive it. He could not leave this topic, without asserting, in the most explicit terms, the utility of the Board for the regulation of India affairs, which had been established during the last session of Parliament. He was happy in having it in his power to assure the House, that the most salutary effects had already been produced by its establishment. An honourable member (Mr. Fox) had affected much candour in speaking on this point. He would not suspect his sincerity on the occasion, but he would be bold to contradict the assertion which he had thrown out, that the mode of regulation which had been adopted had been productive of a corruption and a peculation hitherto unparallelled in the reprobated history of India affairs. The contrary was in fact the case. That corruption and peculation which had formerly existed, had received a check; nor had these evils been put a period to by the instrumentality of an all-grasping and overbearing ambition, or by means similar to those, which in the plenitude of power, had been devised by the right honourable gentleman and his faithful friends, and of which the nation at large had entertained so bitter a presage. With regard to the commutation tax, he could speak of it with certainty, as it had stood the test of experience, and proved to be as wise, efficacious, and beneficial a measure, as ever had been suggested. The consequences that had followed proved its merit incontrovertibly. The revenue had been considerably advantaged, and the public burdens very greatly alleviated. He saw a right honourable gentleman then in the House, (Mr. Eden) who had very laudably, and very much to his own honour and credit, borne a chief part in an able Report upon the

the subject; and if he did not mistake, that right honourable gentleman had in that Report estimated the loss the revenue sustained by smuggling, at something more than two millions annually. Let gentlemen consider, that by the commutation tax, the tea, the principal bank of the smugglers, as an honourable friend of his, who moved the Address, had remarked, was done away. Was not that consideration alone a proof of the policy and expediency of the measure? Mr. Pitt answered Mr. Fox's argument on the subject of the proposition for a parliamentary reform, and said, if he had been a stranger to the House, and had come into a part of it, to which he must not allude, he should have been at a loss to have decided which of the two, the right honourable gentleman opposite to him, or the noble Lord in the blue ribband had been the greatest enemy to a reform in the representation of the People. He considered the noble Lord as a bigot to his opinion upon the subject; and as to all he had said upon the danger of innovations, had that doctrine always prevailed, the world would have continued to this day without improvement of any kind, and we should have not advanced a single step beyond the darkest ages of ignorance and barbarism. With regard to the noble Lord's desiring that nothing gentlemen had heard, nothing they had read, nor nothing they had seen, might be remembered, he wished they would keep their minds free from prejudices. arising either from general arguments or particular reasoning, till the specific proposition which he should have the honour to propose, should be regularly laid before them. With respect to the letter in the newspapers to which the noble Lord had alluded, as that neither was nor could be regularly before the House, it was rather a difficult matter to handle; but thus much he would say of it: the letter was not his, neither was he accountable for any particular phrases it contained. But what had passed upon the subject between him and the gentleman who wrote the letter, he was not ashamed to avow, in that House or elsewhere.— With regard to the words, "as a man and a minister," he had already said he was not accountable for any phrases in the composition, but it was to his mind very clear from the words what the gentleman meant to convey; and that was, that in any situation, public or private, in office or out of office, he would give the proposition his full support. And with respect to the words boldly and honestly, upon which the noble Lord had thrown so much sarcasm, did the noble Lord,

Lord, by an experience of his own use of power when in office, think it an impossible thing for a Minister to act boldly and honestly? Were his maxims and long habits of office different from those plain, though honest and manly principles? Had he practised other means to retain himself in power? For his own share, he thought boldness and honesty the best props of every Administration; and as long as acting from these principles, he enjoyed the confidence and the patronage of the nation, he would employ his utmost endeavours to bring forward those measures which were necessary for restoring the Constitution to its original principles, always preserving a strict regard to that balance on which its existence and glory depend.

He again took notice of the inflammatory manner in which a reference to Ireland had been so frequently made in the course of the debate; and reprehended Mr. Burke's declaration, that, compared to India, the parliamentary affairs of Ireland were light, trivial toys. He said, the reason of India's having been so often mentioned in the King's speeches of late years was, that His Majesty had constantly, at the beginning of every session, recommended the coming to some plan for the government of India, and Parliament had as constantly postponed the consideration till the last session, when the subject had been agitated, and a plan adopted, that he was satisfied would answer all the desired purposes; it therefore had become improper to introduce India again into the speeches from the throne. He thanked Mr. Fox for his promise of support, in providing a surplus, after the manner of a sinking-fund, for the purpose of paying off part of the national debt, and mentioned the different principle upon which Lord North had acted in his administration, the noble Lord having uniformly declared, when he raised money and funded, that he had no view to redemption, but considered it as a sale of so much of the national estate for ever, in order to accommodate the temporary and immediate exigency of the kingdom.

Lord North.

Lord *North* rose and reminded the Speaker, that he had not spoken on the question of amendment, the question then before the House; he wished, therefore, to take some notice of the right honourable gentleman's attacks upon him, and upon his argument. His Lordship then replied to Mr. Pitt's observations; and first he observed, that the right honourable gentleman possessed such a power of words, and was so commanding in his eloquence; his talents as an orator

were so superior, and his expression so round and polished, that he scarcely knew how to venture a reply to what he had said, although it had been so immediately pointed at himself. The right honourable gentleman had called him a prophet and a bigot, to neither of which characters he had the smallest pretensions. It had not been said by him that the unanimity of the day was ominous for that two administrations had been overthrown shortly after addresses moved upon speeches from His Majesty had been unanimously carried. that declaration, for it was not a prophecy, came from his right honourable friend. He pretended not to the gift of divination; but the present Minister, and those who were the means of turning out the last poor deluded Administration, might have passed for prophets, for they certainly knew, that the very bill that they had themselves so loudly called for, and said, "let us have no palliatives, no half-measures!" would be the means of their ruin. For his part, his Lordship added, he had not been in the secret. With regard to the peace which the right honourable gentleman had said, "he had rendered necessary," and his right honourable friend "had declared to be so," it was such a peace as the situation of the country by no means justified. It was, as he had before observed, a treaty in which the reciprocity declared to be the cement of perpetual happiness was all on one side, for we had conceded more to America than there was the smallest reason for. His Lordship denied that he was a *bigot*, and said, his were sound *Protestant politics*, and not Roman Catholic politics. He insisted on his attachment to the constitution as it stood, declaring he had the experience of ages to justify his notions against innovation, and that no two men could agree as to what ought to be the reform adopted, if any were necessary. Mr. Wyvill proposed one thing, the quintuple alliance another, other Gentlemen a third, others a fourth, and so on *ad infinitum*; in short, there was no such thing as a decided opinion upon the subject. He said he was glad the right honourable gentleman had been wise enough to have denied the letter, and renounced all responsibility for the particular phrases it contained. There was good sense in his reasoning upon it, but his flat denial, that either the letter or phrases belongod to him, was the best part of the argument, for certainly to have acknowledged the letter, would have done the right honourable gentleman neither honour nor credit; and yet he observed the right honourable gentleman could not help shewing a wonderful tenderness with respect to these same phrases

phrases that he had directly disclamed, which looked a little suspicious. He also remarked, that the obvious aim of a great part of what the right honourable gentleman had said, had been to promote a difference between him and his right honourable friend: a matter which, he assured the House, would not very easily be effected, as they had united with a view to measures in which they could honourably agree without abandoning any one principle they had formerly maintained. The union they conceived to be advantageous to their country without being disgraceful to themselves. They had made no sacrifice of sentiments in consequence of their junction; they had met on a great and most important occasion, the settlement of the peace, and upon that occasion they acted in concert. Was it to be held out, that because men differed on some topics, that they must therefore be separated upon all? Certainly not. The peace they considered as framed with so little attention either to the claims or the necessities of the country—with so little intelligence in respect to the objects about which they had to treat, or with so little reverence for the dearest concerns of the Crown, whom they professed to serve, that his honourable friend and himself would have considered it as an abandonment of every duty which they owed to their king and country, not to have stood forward and published their reprobation. That peace was a dereliction of what America not only did not claim as a right, but which she did not aspire to as a boon; and it yielded away to every power without even the merit of a pretext, or the colour of reciprocity.

But it was asked, why his friends had suffered the commencement of the Earl of Shelburne's Administration? and why they did not oppose his outset in the famous speech which had been mentioned? To this he must say that his friends were by no means willing to institute a factious opposition. They were disposed to second the measures of his Ministry, if they were such as they conceived to be favourable to the country. His promises were magnanimous, and they trusted to his promises. But his performances bore no similitude; they opposed his performances, therefore, with as much zeal as they had yielded to his promises.

Mr. *Fox* said a few words in explanation, and declared it was an easy matter to contend, that the present system of governing India was not so bad as the consequences of his bill would have been, calumny having loaded that bill with the foulest reproach that could be thrown on a public measure, without the smallest proof of any kind whatever, and Mr. Fox.

without there having been a possibility of forming any comparative judgement.

Mr. Burke.

Mr. *Burke* spoke in explanation, and defended what he had said of Ireland from the colouring Mr. Pitt had put upon it. He had said that they were trivial in comparison with the more imminent and extensive wants of Hindostan. He defied the most audacious Minister to ascribe to him more than this. His wishes for the prosperity and happiness of Ireland yielded to those of no man; but they must be ignorant or inhuman, who said, that Ireland, in her present circumstances, so feelingly called on Britain as the undone millions of India.

Mr. Martyn.

Mr. *Martyn* declared himself a friend to Parliamentary reform, and expressed a wish, that instead of a specific motion, it had been the right honourable gentleman's intention to move for a Committee to enquire into the state of the representation of the people. Mr. Martyn said, he differed in opinion from Mr. Wyvill; but he thought that gentleman entitled to great praise for his honest and laudable endeavours to promote a parliamentary reform.

Mr. Edwards.

Mr. *Edwards* spoke very shortly in defence of his former argument, and the Earl of Surrey said, he would not oppose the unanimity. The question was then put on the amendment, and carried against it. The main question was afterwards carried, *nemine contradicente.*

A Committee was immediately appointed to draw up an Address agreeable to the motion; and the House, at a little before *Nine*, adjourned.

January 26.

The Report was brought up, and agreed to unanimously. The House then renewed their standing Orders.

January 27.

The Commons went up to St. James's, and presented their Address to the throne; of which the following is a copy:

" *Most gracious Sovereign,*

" We, your Majesty's most dutiful and loyal subjects, the
" Commons of Great Britain, in Parliament assembled, beg
" leave to return your Majesty our humble thanks for your
" most gracious Speech from the Throne.

" We beg your Majesty will be assured, that we shall re-
" sume the consideration of public business with the same
" principles of duty to your Majesty, and regard to the in-
" interests of our constituents, which we have endeavoured
" to manifest in all our proceedings. " That

“That we will not fail to give our moſt earneſt attention to the adjuſtment of ſuch points as are not yet finally arranged in the commercial intercourſe between Great Britain and Ireland; fully agreeing with your Majeſty, in thinking that the ſyſtem which will unite both kingdoms the moſt cloſely, on principles of reciprocal advantage, will beſt enſure the proſperity of your Majeſty's dominions.

“We beg leave to aſſure your Majeſty, that it affords us the trueſt pleaſure, to be informed that, notwithſtanding any appearance of differences on the Continent, your Majeſty continues to receive ſuch ſatisfactory aſſurances of the good diſpoſition of foreign powers towards this country.

“We beſeech your Majeſty to believe, that we ſhall at all times be ready to grant ſuch ſupplies as are neceſſary for the maintenance of the national credit, and the real exigencies of the public ſervice.

“That we are deeply ſenſible of your Majeſty's paternal goodneſs and care for your People, in recommending to us, at the ſame time, a juſt regard to the œconomy requiſite in every department; a duty which your Majeſty's faithful Commons feel always incumbent upon them, and, at this time, peculiarly indiſpenſable.

“We aſſure your Majeſty, that we ſee the importance of every exertion which can tend to the ſuppreſſion of ſmuggling, and the improvement of the revenue; and that we ſhall continue to apply ourſelves, with unwearied aſſiduity, to thoſe important objects.

“That we ſhall alſo proceed, with as much expedition as poſſible, to the conſideration of the reports of the Commiſſioners of Accounts, as well as of ſuch farther regulations in the different offices of the kingdom, as may appear likely to conduce to the public advantage.

“We intreat your Majeſty to be aſſured, that our utmoſt endeavours ſhall not be wanting to juſtify your Majeſty's gracious reliance on our diligent attention to every part of our public duty; and that we receive, with the warmeſt gratitude and ſatisfaction, the aſſurances of your Majeſty's concurrence in every meaſure which can tend to alleviate the national burdens, to ſecure the true principles of the conſtitution, and to promote the general welfare of the people.”

To which his Majeſty was pleaſed to return the following moſt gracious anſwer:

“Gen-

"*Gentlemen*,

"I return you my thanks for your very loyal and affec-"tionate Address; I receive with the utmost pleasure the "assurances of your disposition to resume the consideration "of public business with the same principles which you "have manifested in all your former proceedings. And I "trust that the result of your deliberations will be pro-"ductive of the most salutary effects."

January 28.

The House proceeded to settle the Order in which the petitions on contested elections were to be taken up. In the case of Oakhampton, the sitting member had died during the recess; and it was ordered that the petition should be heard on an early day, that the representation might not be left incompleat. Mr. Fox said, this argument adduced by the Minister for an early hearing of this petition would be equally applicable to the more urgent business of Westminster. If Oakhampton merited all this attention, what was not due to the more important city, which had continued hitherto without a representative, and was likely to continue so through the whole of the Parliament, if the [illegible] and important scrutiny was suffered to continue. But this was a subject which must be regularly taken up by the House, if they had regard to their own privileges.

A division took place on the question for the trial of this petition, and it was carried for the 19th of Apr

January 31.

Attended divine service.

Feb. 1.

The right honourable *Welbore Ellis* moved, "That the "High Bailiff of Westminster do attend the House, on Fri-"day, the 4th instant, to give an account of what he has "done in the scrutiny for the election of members for that "city."

Ordered.

Mr. Adam. Mr. *Adam* desired to call the attention of the House to a subject of no inconsiderable importance. He said, he rose, not so much with a design to make a motion himself, as with a wish to suggest to the right honourable gentleman, his Majesty's Chancellor of the Exchequer, the necessity of proceed-

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ing, without loss of time, to take some measures tending to quiet the very great alarms that had arisen in a distant part of the kingdom, and at this time prevailed there, in consequence of a regulation, that was found to be an afflicting and intolerable grievance to the inhabitants of that part of Great Britain. The grievance in question was complained of on grounds of reason, and an act of Parliament, that had recently been made a part of the statute law of the land. He said, it was undoubtedly the duty of those, intrusted with the care of the public revenues, to bring forward such propositions, as should, when passed into laws, operate the most effectually towards producing and securing those revenu[illegible] to the use of His Majesty's government, and for the ben[illegible] his People in general. But if, upon experience, it tur[illegible] out, that in framing an act of Parliament, clauses had [illegible] introduced, the tendency of which were found in practi[illegible] bear hard upon a certain description of subjects, and to be a serious injury and a manifest injustice to them; in that case he had ever understood, it was the particular duty of the Minister of finance to propose an immediate repeal of such clauses so found to be injurious and oppressive. He knew not whether the right honourable gentleman understood what he alluded to, but it was an Act of the last session, relative to the Distillery, in which there were certain clauses affecting Scotland, perfectly new in their principle, contrary to all former regulations and precedents in the revenue laws, and which had justly caused very great alarms and uneasiness in that part of the kingdom. He said he would just state the clauses to which he alluded—

The Speaker.

The *Speaker* interrupted Mr. Adam, and said, as the honourable and learned gentleman meant not to conclude with any motion, it would be out of order, were he to go much into the subject then.

Mr. Adam.

Mr. *Adam* said, he did not wish to act disorderly, or contrary to the usage of the House, but as the grievance he had alluded to had caused great alarms in Scotland, and, as he conceived, the sooner some steps were taken to quiet those alarms the better, he hoped the House would have patience for a few minutes, whilst he endeavoured, shortly, in as few words as possible, to point out the nature of the clauses complained of. Mr. Adam then referred to sect. 48, page 744, of the printed act of last session, by which it is enacted, "That all persons "convicted of distilling spirits from corn, or other materials, "or having in their custody any worm or still used in distil-

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"ling corn spirits, shall forfeit one hundred pounds for each "offence, and the still; and in case of non-payment of the "penalty, the household furniture, implements, crop and "cattle, shall be taken in execution, and sold for the pay-"ment of the fine, &c."

This Mr. Adam stated as a hardship and a grievance, not more unjust and oppressive than singular and extraordinary. He pointed out the extreme cruelty of laying the heritors in general at the mercy of the Board of Excise in Scotland, without any other remedy than their action, and said it was so palpably unfair and irreconcileable to the common principles of legislation, that he trusted no man would be so uncandid as to hesitate at the repeal of the clause in question. He remarked, that the proposing such a repeal properly belonged to the Minister; that it was his duty to attend to the public business in that House, and that he meant to leave the matter to his management, hoping, as he earnestly did, that the right honourable gentleman would immediately give notice of his intention on an early day to bring in a Bill for the repeal of the oppressive clauses of the Act he had just adverted to; but should the right honourable gentleman neither favour him with an assurance of his intention to do something to alleviate the grievance he had mentioned, and thereby to quiet and put an end to the alarms and uneasiness it had occasioned in Scotland, nor soon propose a Bill for that purpose, he should hold it his duty to take the task upon himself, and should venture to prepare and bring in the heads of a Bill adapted to the repeal of the oppressive clauses of the Act of last session.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, as the House appeared to be pretty full, he would take that opportunity of giving notice of the day upon which he should move, that the House be called over. On the first day of the session he had taken the liberty of mentioning the necessity of moving for a call of the House, in order that it might, if possible, be still fuller than it then was, when that very great and important measure, a proposition for a reform in the representation in Parliament was brought forward; another subject of nearly equal importance, and he used the words nearly equal, because he knew not of any matter entirely equal in importance to a well-digested plan of reform, (if any such could be suggested) it would also be necessary very shortly to call their most serious attention to; and that was, what was particularly pointed out in His Majesty's speech, viz. the

adjustment of a commercial intercourse between Great Britain and Ireland. There would also be several material questions of finance to be agitated, and these three great objects, which might be considered as the heads or outlines of the principal business of the session, made it a circumstance extremely desirable, that there should be as full an attendance as possible. His wish, however, was, to hear from gentlemen on all sides of the House, what day would prove most agreeable. Unless he heard any objection to it, he should take the liberty of moving, "That the House be called over "on Tuesday se'nnight."

Mr. *Fox* declared, he was extremely glad to hear so early a day named for the call. He acknowledged he had come down to the House, expecting to hear its attention desired to a different subject. He had been informed, and from what he considered as very good authority, that the subject of an arrangement of a commercial intercourse between Great Britain and Ireland was to be opened that very day in the Parliament of Ireland; now, notwithstanding the respect he entertained for that assembly, as he saw no reason consistent with propriety, or consistent with decency, that a matter of so much consequence to the common interests of the two countries should be brought forward in Ireland, and proposed in the Parliament there, while the British Parliament remained wholly and completely ignorant what the Minister's intentions were respecting a topic of such very great importance. How far it was respectful and becoming to propose the matter in Ireland, and not to let that House hear a syllable upon the subject till long afterwards, he would leave to the consideration and feelings of gentlemen to determine; he added, that he was extremely glad to hear so early a day named by the right honourable gentleman for the call of the House. Mr. Fox.

Mr. Chancellor *Pitt* said, when the propositions for the arrangement of a commercial intercourse with Ireland should be stated, the House would judge how far it had arisen from any want of decency or respect, that they had been opened in the Parliament of Ireland a short time before it had been deemed advisable to open them in London; in the mean time, he begged gentlemen would have the goodness to suspend their opinions upon the subject. It was, he said, impossible for him precisely to name the day on which he should be able to bring forward the propositions; but as far as he was then able to say, he believed he might be pre- Mr. Chancellor Pitt.

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pared to do it on Monday se'nnight, which would be the day previous to the call of the House, when, he should imagine, a pretty full attendance might be expected, without much inconvenience to any gentleman. In about a month from that day, which would be a fortnight subsequent to the discussion of the question relative to Ireland, he should propose what he had to offer to their consideration on the subject of a plan of reform, and shortly after that, it was his intention to bring forward all the business of finance; so that within a few weeks the House would be, in some sort, in possession of the measures to be proposed by Government on the great and leading topics that would engage their attention in the course of the session.

Mr. Eden. Mr. *Eden* said, that if he had rightly apprehended the notices which accompanied the present motion, the right honourable gentleman meant to bring forward his Irish propositions on Monday se'nnight, the day preceding the call of the House, and to state his parliamentary reform (as it was named) about a fortnight after that day. On the first of those notices he had only to observe, that he should be exceedingly glad to see a full House for the agitation of questions permanently and essentially affecting the manufactures, commerce, revenue, navigation, and landed interests of England, Scotland, and Ireland, and he felt cordially and impartially disposed to promote a full investigation of the subject to the utmost of his power. In the mean time, he would neither prejudice nor prejudge, by endeavouring to conjecture what particular arrangements were intended to be brought forwards. But he knew enough of the commercial circumstances of both the islands, to know that many accounts of imports, exports, duties, bounties, drawbacks, and various branches of revenue would be requisite, and ought to be laid before the House previous to calling for the assent of Parliament to propositions of such magnitude as the King's speech had announced: without such accounts it would be impossible even for those who were the most familiarized to commercial questions, to form a competent opinion, or to give any vote that would not be in the highest degree rash, dark, and dangerous. Under these feelings he had already moved for several statements tending to throw a general light on the subject: but he had confined himself to the British boards of revenue, and had forborne to ask for any Irish accounts, partly because there was some formal difficulty in the mode of calling for them, and partly because he must suppose that the right honourable gentleman

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who was to offer the propositions to Parliament, had formed them on proper documents furnished by the Irish government, and such as, in his opinion at least, would support the inferences. He would hope, therefore, that the right honourable gentleman meant to lay those documents before the House with all practicable dispatch, and some days previous to his propositions. Mr. Eden added, that he had a wish to intimate also on the notice respecting a question of parliamentary reform; but in this request he would fairly own that he did not expect to be equally successful as in the other. It was nevertheless calculated to prove the honourable gentleman's sincerity to all who have appeared to doubt it. He must, however, except himself from that description: he firmly believed that the right honourable gentleman was sincere; and was sorry to see an individual of such weight engaged in a pursuit contrary to both policy and sound principles, and tending to impair that constitution which it proposed to improve. He was sure that nothing less than a mistaken and heated enthusiasm on the subject could have induced a wise and discreet Minister to risque a declaration to the Public, notoriously disagreeable to many of his own colleagues in this kingdom; and highly embarrassing, if not dangerous, to an important branch of his government in another part of the empire. Be this as it might, he must suppose that the right honourable gentleman, in the magnitude of his object, had not been inadvertent to the means; and, as it must be presumed that he had prepared and digested his plan before he had suffered the notice of it to be circulated through both kingdoms, his sincerity as well as his candour would be shewn by now stating and avowing the outlines of that plan: gentlemen then might have time to weigh it in all its parts, and to give it a full and adequate consideration. The Public too would have the advantage of declaring their sentiments upon it, instead of being embarrassed and bewildered by circular proposals of general innovation, without pointing to any specific mode. The purport of such an avowal might not improperly be added to the Speaker's letters to the several Sheriffs; and, upon the whole, though he would again acknowledge that he despaired of succeeding in this very reasonable request, he declared that a compliance with it would not, in his opinion, detract either from the boldness or honesty of the right honourable gentleman's undertaking.

Mr. *Adam* joined his wishes to Mr. Eden's, that the right honourable gentleman would give some explanation of the Mr. Adam.

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nature of the ſpecific propoſition he meant to bring forward. He reaſoned upon the magnitude of the object, and aſked, if an alteration in the form of that Houſe, the moſt important branch of the Conſtitution, ought, in common decency, to be propoſed to them without their having been previouſly appriſed of the nature of the alteration intended? Mr. Adam, before he ſat down, declared, though he earneſtly wiſhed his advice might be taken, he did not greatly expect it would.

Mr. Fox. Mr. *Fox* ſaid it was, and it ever had been his opinion, that the means moſt likely to attain that very deſirable object, a reform in the repreſentation of the People in Parliament, would be to introduce the ſubject as a general propoſition, as it had heretofore been introduced into that Houſe, and that, on the contrary, to bring it forwards as a ſpecific propoſition, was the way of introducing it the leaſt likely to ſucceed. He therefore heartily wiſhed the right honourable gentleman's intention had now been to move a general propoſition; but if it was to be a ſpecific propoſition, he did moſt earneſtly hope the right honourable gentleman would bring it forward in that way which would make it approach the neareſt to a general propoſition; and that was, not by any means to preface the introduction of it by any explanation of its nature and tendency previous to his propoſing it to the Houſe. Mr. Fox enlarged upon the advantage of a general propoſition in preference to a ſpecific one, and ſaid, if the right honourable gentleman was to explain his intended propoſition then, public meetings would be held upon it without doors, a variety of opinions would be promulgated at thoſe meetings, and the reſult would be, ſome ſet of ideas or other would be adopted by the People, to which the mover of any propoſition would be bound down, as well as the Houſe, and thus the freedom of debate would be fruſtrated, and the ſubject would not come before them as it ought to do, freely, fairly, and impartially. He concluded with repeating his advice to Mr. Pitt not to open the nature of his propoſition till it came in form for diſcuſſion.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* ſaid, there needed not the cogent arguments of the honourable gentleman to have induced him to withſtand the advice of the right honourable gentleman near him, and the honourable and learned gentleman under the gallery; advice which they had each ſeverally declared they did not expect would be followed. He ſaid, he was

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extremely glad to find the honourable gentleman a friend to a propoſition for a reform in the repreſentation, even though he did not approve of a ſpecific propoſition ſo well as of a general one. Indeed the right honourable gentleman, in his zeal and partiality for general propoſitions, appeared to have puſhed his argument a good deal too far; for if he underſtood him right, he had declared he admired general propoſitions ſo much, that he wiſhed never to hear of a ſpecific one. Now, if a ſpecific propoſition was not to be propoſed at ſome period of the buſineſs or other, he believed many gentlemen would join him in opinion that a parliamentary reform would not very ſoon be effected. Having made this remark, Mr. Pitt ſaid, he congratulated himſelf extremely, on having heard that the two honourable gentlemen who had called upon him to explain the nature of his propoſition, would be among the number of thoſe who would vote for it, when he ſhould ſtate it to the Houſe. He acknowledged this was a moſt pleaſing diſappointment to him; he had counted upon the two honourable gentlemen ſtanding forward among the foremoſt of his opponents; but he was glad to find, from their arguments of that day, that they had bound themſelves to ſupport the propoſition, in order to ſee how far it was prudent to act upon it. This was what he had not expected to hear, and he ſhould be ſtill more flattered to hear as much from a ſtill higher power, from the noble Lord in the blue ribband! As the right honourable gentleman and the learned gentleman had been in the habit of adviſing the noble Lord, as they had formerly been among the choiceſt of the counſellors, he wiſhed they would be kind enough to favour him with their advice then, and would perſuade him to promiſe as much as they had done. Mr. Fox.

Mr. *Fox* roſe to explain. If he had ſaid, that he was ſo fond of general propoſitions as never to wiſh to hear a ſpecific one propoſed on the ſubject of reform, he muſt have expreſſed his meaning very inaccurately. His meaning was, and he believed he had preciſely ſaid, That he wiſhed to ſee the ſubject of a parliamentary reform *introduced into the Houſe* by the means of a general propoſition, becauſe he conſidered that as the moſt likely means to lead to ultimate ſucceſs. He farther exemplified his meaning by reminding the Houſe of the general propoſition moved ſome years ſince, "that the influence of the Crown had increaſed."—Had a ſpecific propoſition for the reduction of the influence of the Crown been moved, inſtead of that general one, he was convinced

vinced it would have been lost; but the general proposition having been carried, although it was not acted up to afterwards with immediate specific propositions, as it ought to have been, yet he was persuaded it was that circumstance which facilitated and gave success to all the measures that were subsequently adopted for the reduction of the influence of the Crown.

Lord North. Lord *North* said, he had not intended to have risen to speak that day; but when the right honourable gentleman rose last, he was pretty sure he would say something that would render it impossible for him to sit still. Thus, on a former occasion, when the subject of reform was under consideration, and from cold, ill health, and other motives, he wished to have remained silent, the right honourable gentleman spared no pains to prevent it, and with such effect, that he forced him to rise. He presumed, it was from the *sincerity* of the right honourable gentleman's love of a parliamentary reform, that he determined the subject of reform should never be agitated, without his being called up, and compelled not to remain silent. The right honourable gentleman had, in a very extraordinary manner inferred, from what had been said by his right honourable friend near him, that they were obliged to support his proposition, when it should be brought forward, merely because he had refused to comply with their request, and to explain the nature of it previously. This was certainly a new mode of arguing, and such as it was no easy thing to answer or to refute. To expect gentlemen to hold themselves pledged to support a proposition, because their desire to know its nature beforehand was refused to be acquiesced in, was of a piece with the reverend Mr. Wyvill's having not only pledged himself to support the Minister's plan of reform, *when known*, but his having sent circular letters to all the counties in England, to desire that county meetings might be immediately called, for the purpose of instructing their members to support it, in like manner, *when known*; a mode of pledging men to a measure in the dark, that had never suggested itself to the wisdom of our forefathers! With regard to himself, he would not scruple to tell the right honourable gentleman, that he did not desire him to explain his proposition; and, what was more, he was glad that it was to be a specific proposition. He thought it was more fair and candid to bring it forward, in that manner, and he was glad of it, because it was less likely to succeed. Having said this, his lordship declared, that as an enemy to any alteration or

inno-

innovation in our constitution, and not thinking that a bad proposition could be converted into a good act of Parliament, he sincerely hoped that the right honourable gentleman would fail; but he must say, there was something extremely candid in his conduct. He had formerly brought forward a general proposition, and he meant now to bring forward a specific proposition. This, together with the consideration of the present state of our constitution, reminded him of a story somewhat ludicrous. It was the extreme candour of one of our critics, who wrote a criticism on a poetical translation of Virgil, then before the Public, and at the same time promised to publish a version of his own. Upon which it was said universally, that nothing could be more fair, no-nothing more candid, for he not only gave us a comment to shew the defects of what we were in possession of, but engaged to give us a plan of what it ought to be. It was also said, that though he might prove but a bad poet, he had shewn himself to be an able critic. When his version, however, came out, it was found to be such a monster of absurdity and deformity, so execrably lame and bad, that every body cried out, "Give us our old translation again: although it "has a few defects, and a few trifling errors, it is ten thou-"sand times preferable to your poetry!" Having excited a general laugh at this story, his lordship said, there was one matter he seriously wished, and that was, that the right honourable gentleman would invert the order of bringing on the business he had mentioned, and let the reform precede the question respecting Ireland. The question of reform was not, he observed, a new one. It had been often agitated; the minds of gentlemen were familiar to it, and he saw no reason whatever for postponing it so long as the right honourable gentleman said he designed. The question respecting Ireland, on the contrary, would be equally new and important. It required much discussion, much deliberation, and ought not to be suddenly brought forward. Let the right honourable gentleman recollect that the question respecting Ireland depended upon no general reasoning, upon no general knowledge; nay, not even on a particular and extensive knowledge of commerce, but upon a variety of accounts; accounts that must be called for by that House, that must be carefully examined, that must be before them a sufficient time to enable gentlemen to make themselves masters of their contents! Let it be remembered, that the question respecting Ireland involved the interests of the northern as well as the southern part of the kingdom. The right honourable

nourable gentleman had talked of his advice. Let him ask the advice of a learned friend near him (Mr. Dundas) who had formerly given him very good advice. That learned gentleman, he had no doubt, would advise him to change the projected posture of the business to be brought forward.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* rose again, and said, the only requisition of those made by the noble lord, that he could comply with, was that of not going into any previous explanation of his intended specific proposition. With regard to the request that he would suffer the question of reform and the plan respecting Ireland to change places, he could by no means give into it. The argument, that the question respecting Ireland would require much deliberation, seemed to him rather to be an argument for an early day, than for a late one. He professed himself not a little astonished at the noble Lord's declaring, that an arrangement of a commercial intercourse with Ireland was to him a new idea. He said, it was plain the noble Lord's honourable friend had not thought it a new idea, by having declared that he expected it would have been brought on that very day. He charged Lord North with having endeavoured to open a door to future cavil in the discussion of the question respecting Ireland, and said, he supposed the noble Lord thought his two friends, the right honourable gentleman on the floor, and the learned gentleman under the gallery, sufficiently able to foil the question of parliamentary reform.

Lord North. Lord *North* rose to explain. The term cavil was an expression he did not expect to have heard, and therefore it was necessary for him to say a word or two. He had said the question of Ireland was a new idea, not meaning that the necessity of adjusting an arrangement of a commercial intercourse with that country was new to him, but that the particular mode of the intended adjustment was so. Before he sat down, his Lordship desired that the House would familiarise themselves to the right honourable Chancellor of the Exchequer's language, and not conceive, when he used such words as cavil, loosely and at random, that he meant to use them in their customary hard sense, but that he wished them to have a new and more mild construction.

The motion for the House to be called over the 15th instant was carried unanimously.

February 2.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* informed the House, that a difficulty had arisen with regard to the supply of the island of Newfound-

foundland with bread, flour, and live ſtock, to which it was a doubt whether the intercourſe bill with the United States extended. That it had therefore been thought adviſeable to provide for it by a ſhort bill, rather than by the inſertion of any clauſe in the old bill, for the continuance of which for a longer period, he had ſo lately moved. Mr. Pitt handed to the Speaker a motion:

"That this Houſe will immediately reſolve itſelf into a "Committee, to conſider of the trade between the ports of "the United States of America, and his Majeſty's ſubjects "in the iſland of Newfoundland."

The Speaker left the chair, and Mr. Gilbert went to the table, and after a ſhort time reported that the Committee had come to a reſolution, which was as follows:

"That leave be given to bring in a bill, for confining, "for a time to be limited, the trade between the ports of "the United States of America, and His Majeſty's ſubjects "in the iſland of Newfoundland, to bread, flour, and live "ſtock, to be imported in none but British-built ſhips, "actually belonging to Britiſh ſubjects," &c.

The ſame was, upon the queſtion being put, ordered to be brought in.

Mr. Eden. Mr. *Eden* ſaid, that upon ſo ſudden a notice, he would not diſpute the expediency of the bill propoſed, but would give full credit for it to His Majeſty's Miniſters; nor could he from memory ſtate how far the diſcretionary powers veſted in the council extended to authorize the regulation deſired, if that mode had been wiſhed. As, however, to his comprehenſion of the ſubject, it was a bill which to a certain degree would entrench upon the navigation laws, he would move to inſert that it ſhould be "for a time to "be limited."

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* ſaid, that he would not object to the amendment, but he muſt expreſs his extreme ſurprize at the reaſon aſſigned for it. The bill propoſed being clearly to enforce and ſtrengthen the proviſion of the navigation laws, and by no means to entrench upon them.

Mr. Jenkinſon. Mr. *Jenkinſon* enforced this conſtruction of the propoſed bill, and ſtated it to be lawful according to every idea of the navigation laws, to go with Britiſh ſhips to the United States, and to carry the produce of thoſe States to the Colonies. The preſent propoſition, therefore, was a reſtriction rather than an enlargement.

Mr. Eden. Mr. *Eden* persevered in a contrary opinion, and said, that either he, or the two right honourable gentlemen, had very much misconceived a very important point.

Col. Fitzpatrick. Colonel *Fitzpatrick* said, he had a petition in his hand similar to that he had the honour to present last session, viz. a petition from certain of the electors of Westminster, complaining of their having been deprived of their legal franchises, and that the city of Westminster was still suffered to remain unrepresented in that House. Mr. Fitzpatrick said, as the People had been given to understand from authority, that some steps towards a general reform in the state of the representation would soon be taken, he trusted, if those who had signified their wishes for a reform were sincere in what they had said upon that subject, that he should have their support in obtaining that relief for the petitioners, which they appeared to him to be justly entitled to. He said farther, that it was necessary for him to apprize the House, that the petitioners had not presumed to question its justice, or to hazard any reflection on the proceedings of the last session; the House, therefore, would have the goodness to understand, that the expressions of an impassioned nature applied solely to the conduct of the High Bailiff, antecedent to the determination of the House.

The petition was, upon motion, ordered to be brought up, and being read at the table, stated "That, notwithstanding the Parliament is now assembled in its second session, after a long recess, the city of Westminster, equally to the surprise and concern of the petitioners, is still without any representatives in Parliament: That, at the opening of the present Parliament, after the electors of Westminster, according to the exigency of the King's writ for meeting his people in Parliament on the 18th day of May last, and conformably to law and ancient usage, had duly chosen two citizens to represent the same, the said electors were, by an act equally illegal and unprecedented, deprived of their just and valuable right to a share in the legislation of their country, through their representatives chosen into the Commons House of Parliament; the High Bailiff of Westminster, though solemnly called upon, having refused to make any return of citizens to serve in Parliament for the said city: That the petitioners, impressed with a high sense of the value of that branch of the Legislature, which they have been taught to consider as the natural guardian of the rights of the people, from "whom

" whom it derives its power, and to whom it is accountable
" for the execution of the truſt, could not behold, without
" great indignation, an attempt ſo inſulting to the dignity
" of Parliament, which has been thereby rendered maimed
" and incomplete in its conſtruction, as well in direct con-
" tradiction to the King's writ of ſummons for meeting his
" people in a full Parliament, as to the manifeſt degradation
" of the character and importance of that auguſt aſſembly;
" nor can the petitioners, conſiſtently with their duty to
" themſelves, with a juſt regard to the common rights of
" their fellow ſubjects, and what they owe to their poſterity,
" omit any proper occaſion to expreſs their honeſt ſentiments,
" and ſtill, as freemen, though deprived of the ſacred diſ-
" tinction which makes men free, prefer their juſt complaints
" againſt a proceeding ſo unprecedented in the annals of
" Parliament, ſo full of danger in the example, and which
" is not more a grievous injury to the intereſts and priveleges
" of the citizens of Weſtminſter, than utterly ſubverſive of
" the rights of the whole conſtituent body of this country:
" That the ſalutary wiſdom and honeſt vigilance of the
" Houſe of Commons, to check the progreſs of corruption,
" and to guard againſt the influence of the Miniſters of the
" Crown, in the election of members to ſerve in Parliament,
" will have become altogether fruitleſs, if it may happen
" that, after electors ſhall have withſtood every unconſti-
" tutional attempt to dictate particular perſons to their
" choice, and ſhall have exerciſed their ſuffrages freely and
" independently, a new and extraordinary device may be
" reſorted to, by means of which it may be in the power of
" thoſe who have, or who, by ſecret and corrupt manage-
" ment may obtain, an undue influence over a returning
" officer, to exclude from Parliament, and to ſubject to an
" expence which might be ruinous to the moſt ample for-
" tune, under the pretence of a ſcrutiny, any perſon, the
" exertion of whoſe abilities may be peculiarly neceſſary to
" the intereſts of his country, but whoſe attachment to the
" true principles of the Conſtitution may have rendered him
" an object of extraordinary perſecution: That there never
" was a period in which the preſence and aſſiſtance of its
" members in Parliament was more eſſential to the peace
" and proſperity of the city of Weſtminſter: That, during
" the laſt ſeſſion of Parliament, beſide many important re-
" gulations of trade and revenue, various new and burden-
" ſome taxes, to the amount of near a million per annum,

 " were

" were imposed on the nation, a very considerable part " whereof hath been, and must continue to be paid by this " city: That the petitioners have always understood it to " be a fundamental principle in the Constitution of this Go- " vernment, that the money of the subject could not be " taken without his consent, a position which would have " more sound than sense or meaning, if the opportunity of " giving their voices in the grant of money could be with- " holden from those places which are invested with the pri- " vilege of sending members to Parliament; this dear and " inestimable privilege, however it may have been disre- " garded in the imposition of the late taxes upon the " city of Westminster, when they had no opportunity " of giving or withholding their consent, the petitioners " yet claim and insist upon it as their indubitable right, and " the heavy grievance of which they complain will, indeed, " be very severely aggravated, if suffered to remain during " any farther part of the present most important session of " Parliament, in which objects of the deepest concernment " to all His Majesty's subjects, and peculiarly interesting to " those in whom the rights of representation are vested, " have been announced to be brought forward under a solemn " call for the strict attendance of all the representatives of " the people: That the necessity for regulating and amend- " ing the police of the city of Westminster is universally " felt, and loudly calls for immediate attention; and to " whom, in this, as in all other parliamentary business in " which the citizens of Westminster are particularly inte- " rested, it is natural for them to look to for counsel and as- " sistance, but to those whom they have chosen to represent " them in Parliament? That the petitioners are advised, " and have heard with great satisfaction, that efficacious " measures are likely to be proposed early in the present ses- " sion of Parliament, under the auspices of one of the most " confidential servants of the Crown, to meliorate the pre- " sent defective state of the representation of the united " kingdom; but the petitioners humbly presume to suggest, " that it will appear but little consistent with professions " of future purity and reform in the representation of the " Commons, to suffer the actual and subsisting representa- " tion to remain curtailed and imperfect even according to " its present form, and to permit with silence and impunity " a deep and dangerous wound to be given to those first " principles of the Constitution, upon which alone a free

" and

" and independent Parliament can be founded; and the " petitioners cannot but deem it an unfortunate casualty, " that, at a time when other bodies of men are entertaining " the most sanguine expectations of the extension and se- " curity of their inherent and dearest rights, the city of " Westminster should, without any act of delinquency even " alledged, be suffering the penalties of actual disfranchise- " ment; and, the petitioners are more forcibly led to this " consideration, by reflecting, that the representation of " Westminster is not merely nominal and unsubstantial, like " that of boroughs, where there are few electors, or where, " under the appearance of an election, an hereditary right " to a seat is preserved in a family, or assigned at pleasure, " (an evil which the petitioners presume will be a main ob- " ject of attention in the proposed reform) but involves in it " the dearest interests and most important concerns of many " thousand citizens, inhabitants of this extensive, populous, " and flourishing city: That the scrutiny, which is still " carrying on in the city of Westminster, hath lasted for a " period of nearly eight months; and, judging by the pro- " gress already made, it appears extremely probable, that, " should it proceed with the same pace, and the petitioners " do not understand that any complaint hath been made of " undue delay, the present Parliament may be advanced to " its last session by the time the High Bailiff has decided on " his poll: That the petitioners are well informed, that " every prediction of the futility, insignificance, expence, " and injustice, which must attend the proceedings of such a " court, hath been abundantly verified by the event; but " the petitioners forbear any detail of the progress or conse- " quences of a measure, the origin and principle of which " they solemnly protest against, as contrary to the spirit and " practice of the Constitution, to the plainest provisions both " of common and statute law, and to the rights and privi- " leges of the electors of Great Britain; for the same reason, " the petitioners forbear to meddle with the motives, reasons, " or imaginations, alledged by the High Bailiff of West- " minster in defence of his conduct, or with the claims and " pretensions of the respective candidates; but the petitioners " do humbly pray, that the House will immediately take " such measures as shall restore the city of Westminster to " its undoubted right of having its representatives in Parlia- " ment, there being no farther or other relief suited to the

" nature

"nature of the injury complained of in the premises, or "which can be satisfactory to the petitioners."

Ordered, That the said petition do lie upon the table.

Mr. Alderman Sawbridge. Mr. Alderman *Sawbridge* said he was extremely glad to hear, that the call of the House was to take place on so early a day, as he wished particularly that the attendance might be full. He gave notice, that he meant to take an opportunity of moving, that proper persons be employed to re-value the landed property of the kingdom, and this he should propose, meaning, when he had the necessary information to proceed upon, to bring in a bill or bills, with a view to an equalization of the land-tax.

Mr Burke. Mr. *Burke* desired that an entry in the Journals of the third of May 1782 might be read.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* wished to go into the supply first, and a short conversation took place on the matter,—at length it was agreed that Mr Burke should proceed.

The Journals of May the third, 1782, and the string of resolutions relative to the conduct of Sir Elijah Impey, and the order for his [illegible] were read.

Mr Burke. Mr *Burke* then said, he believed the order of the House had been in some instances duly complied with, and that one of the persons ordered to be recalled, viz. Sir Elijah Impey, had come over in consequence of his recall. Report said, and indeed had long said, that Sir Elijah was going out again to India, notwithstanding the resolutions of the House standing to that day unrescinded. To this report he had given but little credit till very lately; what he wished, therefore, was to know from the right honourable gentleman opposite to him, whether the report was or was not authentic, meaning to govern himself by the answer, in regard to the propriety of bringing that matter forward for discussion on some future day?

Mr Chancellor Pitt continuing silent.

Mr Fox. Mr *Fox* said, if the report was true, it was the most unparallelled contempt of that House, that had ever occurred.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, the reason of his not answering, was, he really had it not in his power to give the information desired.

Mr Fox. Mr. *Fox* declared that was all the answer that could be expected, and the conversation ended.

The order of the day was then moved and read, for the House to resolve itself into a committee of supply. The Speaker left the chair, and Mr. Gilbert took his seat at the table.

Mr

Mr *Brett* then stated, that it was the design of Government to propose as great a reduction in the national expenditure as possible, and therefore he should move only for eighteen thousand seamen, including three thousand six hundred and forty marines, which was upon the whole eight thousand less than had been voted for the service of the last year. Mr Brett stated in what manner the seamen were at present distributed. Mr Brett.

The motion having being read by Mr. Gilbert,

The Earl of *Surrey* expressed a wish, as eight thousand seamen less were to be voted this year than had been voted for the service of the last year, that when the army came to be voted, at least a similar reduction would be made there. Should this not turn out to be the case, his Lordship said, he should think Government acted very unwisely in weakening our marine force. The Earl of Surrey.

Major *Scott* observed that he was very happy to find from so considerable a reduction in the number of seamen, that his Majesty's Ministers had not those alarming apprehensions of wars in India, which had disturbed the imaginations of some gentlemen in the House, and had alarmed many people out of it. He hoped in the present question he was regular in offering a few observations on the state of our affairs in the East-Indies. It had been remarked by a right honourable gentleman, the first day of the session, that the seeds of new wars were sown in India, and that we were prevented from knowing the particulars by the death of Major Davy, and the destruction of his papers. This account, the Major confessed, had a good deal surprised him, but he had made it his business to inquire very particularly into the truth of it, and would state the matter precisely as it was, with the leave of the Committee. Major Davy had been three years Persian translator to the Governor General, and left Bengal, on the sixteenth of February last, in a very debilitated state of health; so ill, indeed, that there did not seem much probability of his living to England. He took charge of a packet from Mr. Hastings, but the Major assured the Committee, that nothing relative to an expected or projected war was contained in the packet of letters. When he found himself dying he arranged his affairs, and wrote the following letter, which the Major begged to read. Major Scott.

"Lord

"*Lord Macartney, at sea, 30th May, 1784.*

"Dear Sir,

"Though, at present, a stranger to you, I had flattered "myself with the honour, from the nature of your con-"nections in India, of being hereafter numbered among "your particular friends. Providence has, I have reason "to think, destined otherwise; and I have, therefore, ta-"ken the necessary precaution, that the accompanying par-"cel of letters may be carefully forwarded to you, in the "packet of the Lord Macartney from St. Helena—with "sincere wishes for your happiness and prosperity,

"I am, dear Sir,

"Your most humble servant,

"WILLIAM DAVY."

Major Davy had several private letters which had passed between him and gentlemen in India; these, together with some loose Persian papers of his own, he directed should be thrown over-board with his body. Fortunately two gentlemen, his friends, now in London, who were fellow-passengers with him, can prove at the bar of this House, every particular relative to these papers; but when it is considered that Major Davy left Bengal in February, and that we have intelligence from thence as late as the seventeeth of May, and from Madras of the fifth of August, no gentleman ever believed that any intelligence which Major Davy could bring, would be of the smallest consequence. It had also been observed, that though the papers which were to produce these wars were destroyed, the diamonds were preserved. The history of the diamonds he also begged leave to state. A very considerable part of the small fortune Major Davy had acquired in India, he invested in rough diamonds, and brought in the ship with him. He also took charge of a small bulse, for a gentleman at Bath from his son, and one bulse of the enormous value of twelve hundred and fifty pounds, the property of Mr. Hastings. This then was the history of the wars, the papers, and the diamonds. The right honourable gentleman on the first day of the session had asserted that all was terror and dismay in Calcutta; that no resources had been collected for some months, nor were likely to be collected for months to come. This, the Major said, was to him a most extraordinary declaration, for he could assert, that the revenues were regularly collected, and in the months where

they

they were most trifling, at least one hundred thousand pounds was the amount paid in specie into the Khalsa treasury; for the truth of this he appealed to another honourable gentleman, (Mr. Francis.) Another assertion of the right honourable gentleman was equally extraordinary in his opinion; that no accounts of the collections for the last three years had been received. Now he would assert, and prove, that in no country in the world were the revenue accounts kept with more regularity; that these accounts were at the India-house to the latest possible period, the month of March last: that there was a regular monthly account, which stated not only all the collections and balances on every district for the preceeding month, but the balances for the year; that it was true no complete books since 1781-2 were arrived, because they were always necessarily in arrear; but all the particulars from which that complete book was made out, were at the India-house; and little as he was versed in matters of revenue, he would engage, he said, from these materials to form an exact account of the revenues of 1782-3, and for ten months of 1783-4, farther he could not, as the Bengal year ended in April.

There was another subject the Major said he would beg leave to mention. An idea had prevailed, from the manner in which the right honourable gentleman had quoted Mr. Hastings' letter, that Bengal was stated to have suffered severely by a [illegible] of rain; but the fact was directly the reverse; there had been no distress for grain in Bengal, Bahar, and Benares, though at one time great apprehension; but in Owde, as well as in other parts of Indostan, that is the countries above Owde, the calimity had been severely felt. The Major said he had taken the liberty to mention these particulars on the day the state of the navy was taken into consideration, because the probability of war in India, was a very serious consideration, and he repeated that His Majesty's Ministers could entertain no apprehensions on the subject, by diminishing the number of seamen for the present year.

Mr. Francis

Mr. *Francis* declared he could not see what connection the affairs of India had with a vote of seamen for the service of the year; but called upon as he had been, he would just say that his accounts from India, which were dated in July, 1784, differed extremely from the accounts which the honourable gentleman had stated to the House. At the time his accounts came away, there was not a rupee in the Treasury at Calcutta. The orders upon the Treasury, which,

when he was in India, were deemed as good as Bank notes, bore a discount of ten per cent. With this depreciated paper had the investment been bought, and so far was the Treasury of Bengal from being likely soon to recover, that it was above a million in debt. Mr. Hastings, at that time, was gone up the country, where he would receive about forty lacks of rupees, but thirty of them at least would be expended in the country, so that not above five, or ten lacks at the utmost, would reach Calcutta. With regard to the receipt of an hundred thousand pounds a month from the provinces, the monthly receipt had not been any thing like that sum.

Mr. Burke. Mr. Burke said, he never was [illegible] to make grave and serious charges in that House without having first taken care to inform himself very sufficiently of their being justly founded. What he had said on the first day of the session, he was ready to prove. He affirmed one thing, and the honourable gentleman over the way taking upon him to contradict it, neither proved nor disproved it. The honourable gentleman and he were at issue; the House were to try the cause and to pronounce the judgment. To their decision he would cheerfully submit. The honourable gentleman who spoke last, he said, was a man of undoubted knowledge and undoubted integrity. He had proved himself to be so in his faithful and diligent discharge of his duty in India. That honourable gentleman had said enough that day to confirm all that had been thrown out in regard to the state of India on the first day of the session. Nay, the honourable gentleman on the India bench had himself, that day, in the face of the House, admitted, that Major Davy, a secret and confidential agent of Mr. Hastings, had been entrusted with Persian letters, which letters had been destroyed since his death, although his diamonds, and Mr. Hastings' diamonds, had been taken good care of. Mr. Hastings, Mr. Burke said, kept private secretaries to treat with, and write to the country powers independent of the Company. He repeated his assertions, that all accounts of the state of the revenue, and the Persian correspondence, were withheld from the Directors and the Public. Those were facts which he would undertake to prove, and likewise, that when neither the Company here at home, nor the Public, could receive dispatches and accounts from Mr. Hastings, his confidential friend over the way did receive such dispatches. Mr. Burke

ridiculed

ridiculed the idea of the refreshing showers, which Major Scott declared had fallen and bedewed the country of Oude.

Sir James Johnstone, [illegible] said, to bring India into a quiet [illegible] had nothing to do, but to express his satisfaction [illegible] of the day. The reduction of the number of [illegible] to eighteen thousand, assured him that we were [illegible] with continuance of the peace, and that the [illegible] time [illegible] that Minister paid a due and a laudable regard to economy. Sir James Johnstone.

Mr. Scott, in reply to Mr. Burke, said, he would only detain the Committee one minute. The right honourable gentleman had asserted, that he repeatedly received advices when information was kept from the Company [illegible] he denied most positively and solemnly [illegible]. He never did but once, and that was when Mr. Hastings could [illegible] prevent two ships, the Neptune and the Belmont, sailed from Bengal together, a passenger on board the Neptune had a packet for him, and there were several on board for the Directors; the ship sprang a leak, the gentleman moved into the Belmont, and carried the packet with him, by which means the Major got advices, very unexpectedly, which the Company did not, but he instantly communicated them to the Directors, and was said to have done his duty, and received some compliments from individuals of that body on the occasion. This was not the first time such an assertion had been made; it would be found in one of the Reports of the Secret Committee, but he declared, on the word of a man of honour, that, except in the instance he had related, he never had, directly or indirectly, heard from Mr. Hastings, except through the channel of the Company's dispatches over land, or by their ships. The right honourable gentleman talked of what he was to bring forward — the Major avowed his readiness to meet him at any time, or on any points, but he hoped the House and the Public would recollect in the mean time, that the right honourable gentleman had made predictions in former times, and that they had all been falsified by subsequent events. Mr. Scott.

Mr. Burke made a short reply; and at length the question was put and carried. After which Mr. Gilbert left the chair, and was ordered to report the resolution the Committee of Supply had come to, to the House.

The following paper was laid on the table by John Hughson, Esq. from the Exchequer:

To the Honourable the Knights, Citizens, and Burgesses, in Parliament assembled.

An Account of the neat Produce of all the TAXES, from Michaelmas 1783, to Michaelmas 1784; together with the Totals.

CUSTOMS.	£.	s.	d.
Wines and vinegar, 31st July, 1716 —	105,358	0	7½
Tobacco, since ditto — —	99,740	15	7½
East India goods, ditto — —	97,202	3	0½
£25 per ton French wines imported, 29th Sept. 1715 — — —	13,137	10	1½
Additional subsidy on tonn. and poundage, 25th Oct. 1760 — —	308,655	18	6
1-3d additional subsidy, 1706 —	94,602	4	11½
Additional poundage, 1st March, 1747	149,036	14	1
Ditto — — 5th April, 1759	159,279	8	2
Gum Senega, 1765 and 1774 —	332	17	2
East India wrought silks, 1765 —	0	18	0
Additional tobacco, 1781 —	8,069	2	7
Tobacco and sugars, 1781 — —	417,559	11	4½
Tobacco, snuff, and brandy, 1782	115,733	10	8
Cotton wool, 1780 — —	84	17	5
Verdigrease, 1781 — —	[illegible]	[illegible]	[illegible]
Wrought plate, 1756 — —	16	2	0
Pepper and raisins — —	30,210	3	3
Imported wines, 1745 — —	52,084	5	1½
Ditto — 1763 — —	58,009	12	10½
Ditto — 1778 — —	55,729	1	10½
Ditto — 1780 —	54,739	1	9
£18 per cent. on muslins —	50,714	4	1
Cambricks and sugars, 1766 —	1,442	3	5
Canvas and lawn, 1767 — —	1,757	13	1½
½ subsidy, 31st July, 1712 —	132,185	6	4½
Ditto — — 1714 —	132,185	6	5½
Drillings and broad linens, 1767 —	2,260	13	5
Additional impositions on goods, 31st July, 1716 — — —	40,934	17	6
£5 per cent. 1779 — —	107,979	11	11½
Additional ditto, 1782 —	137,943	9	6
2-3ds subsidy, 8th March, 1711 —	74,928	12	3
Brandy, 29th Sept. 1736 — —	12,310	8	5
Goods exported, 8th March, 1710	41,085	2	0
Coals, 8th March, 1710 —	[illegible]	17	4½
Ditto, 29th Sept. 1710 —	497,200	13	7½

Coals

	£.	s.	d.
Coals exported, 2d Auguft, 1714 —	12,190	10	7½
Coals, 25th March, 1719 —	102,829	11	9½
Additional coals exported, 5th July, 1757	16,036	19	9½
Coals exported, and Eaft-India goods, 1765	15,352	14	1½
1d. per ell on foreign fail cloth —	85	8	1½
£4½ per cent. plantation duty, 1715 —	6,625	2	9
Enumerated duties, 1715 —	130	2	2
Coinage duty on wines — —	5,663	13	0½
Ditto on fpirits — —	3,577	17	7
Spices and pictures — —	9	19	10½
Additional fpices and white callicoes —	34	13	2½
Sugars, &c. 29th Sept. 1764 —	4,389	7	6
Molaffes, &c. 1766 — —	880	15	4
Apples imported — —	300	9	0
Candles, 25th March, 1711 —	4	12	0
Ditto - 1ft May, 1715 — —	4	12	0
Sope, 10th June, 1712 —	97	5	8
Additional fope, paper, and other duties, 2d Auguft, 1714 — —	52	2	5
Hides, 24th June, 1711 — —	212	16	7½
Additional hides, ftarch, and drugs, 10th June, 1712 — — —	157	17	11
Glafs imported, 5th July, 1777 —	147	14	11½
Rice exported, 1773 — —	1	8	7½
Whale fins — — —	10	6	6
Total of Cuftoms —	£.3,005,022	11	8

EXCISE.

99 years excife — —	175,837	0	0
Candles, 25th March, 1711 —	92,133	6	5
Ditto, - 1ft May, 1715 — —	92,080	0	0
Ditto, - 1ft Auguft, 1784 —	2,992	0	0
Hops, 1715 — —	48,142	0	0
Sope, paper, and other duties, 10th June, 1712 — —	205,537	12	5
Additional ditto, 2d Auguft, 1714 —	145,738	0	0
Additional fope, 1782 — —	97,594	0	0
Britifh fpirits, 29th Sept. 1736 —	16,031	0	0
Additional do. 25th March, 1743	24,217	0	0
Ditto — — 1746	9,799	0	0
Ditto — 1ft July, 1751 —	36,441	0	0
Ditto — 21ft April, 1760 —	100,152	0	0

Ditto

	£.	s.	d.
Ditto — 21st Jan. 1762 —	20,[illegible]75	0	0
Ditto — 30th May, 1780 — —	2[illegible],852	0	0
Brandy, 29th Sept. 1736 —	301,45	0	0
Ditto — — 1760 and 1766	88,934	0	0
Ditto — 21st Jan. 1762 —	16,317	0	0
Ditto — 30th May 1780 — —	72,523	0	0
Low wines, 29th Sept. 1736 —	8,486	0	0
Additional ditto, 25th March, 1743	10,061	0	0
Ditto, ——— 1746	5,528	0	0
Ditto, — 1st July, 1751 —	14,447	0	0
Ditto, — 21st Apr. 1760 —	57,401	0	0
Ditto, — 21st Jan. 1762 —	11,668	0	0
Ditto, — 30th May, 1780 —	11,943	0	0
£5 per cent. on several duties, and £15 per cent. on malt, 5th April, 1779	130,068	0	0
£5 per cent. 1780 — —	4[illegible],435	0	0
Ditto, — 1781 — —	97,086	0	0
Ditto, — 1782 — —	1[illegible],5[illegible]	0	0
Men servants, 2[illegible] May, 1781 —	51,609	0	0
9d additional excise, 1706 —	175,836	0	0
Plate licences, 1758 — —	6,519	17	9
Coaches, 25th March, 1747 —	91,45[illegible]	11	3
Additional do. 5th July, 1776 —	22,[illegible]16	0	0
Ditto, — 1782 —	26,[illegible]	0	0
Additional 3s. per barrel on ale, 1761	570,315	0	0
Table beer, — — 1782	23,102	0	0
Auctions, — — 1777	42,821	0	0
Hereditary and temporary excise, 25th Oct. 1760 — —	324,862	5	4
2-7ths of 9d. per bank - 50,239 2 9½; 5 7ths of ditto — 125,597 17 2½	175,837	0	0
3d additional excise, 25th March, 1710	58,557	0	0
Sweets, 25th June, 1737 —	11,220	0	0
Additional do. — 1780 —	5,610	0	0
Hides, 24th June, 1711 —	129,622	8	6
Additional do. 10th June, 1712 —	77,110	0	0
Wire and starch, 10th June, 1712 -	28,581	4	6
Additional starch, 1780 — —	26,076	0	0
Coffee, 24th June, 1724 — —	17,870	19	10
Additional do. 5th April, 1759 —	127	0	0
Old cocoa nuts, 1781 — —	2,125	0	0
Additional do. 1781 — —	994	0	0
Tea, 24th June, 1745 — —	371,239	1	11

Tea

	£.	s.	d.
Tea licenſes, 1780 — —	8,260	0	0
3700l. per week, exciſe — —	192,400	0	0
Licenſes for retailing ſpirituous liquors, 1743, and 1752 — —	71,249	0	7
Gl[illegible]s, 5th July, 1777 — —	75,466	0	0
Additional malt, 6th February, 1760	330,700	0	0
Ditto, 30th May, 1780 — —	20[illegible],552	0	0
Cyder, 5th July, 1763 — —	5536	0	0
General licenſes, 1784 — —	3[illegible]70	0	0
Total of exciſe —	5,[illegible]63,578	8	6

STAMPS.

	£.	s.	d.
Pamphlets and ſtampt papers — —	42,460	2	0
Stamps per Hanaper Office, 1749 —	3474	0	7
Paper and parchment, 31ſt July, 1710 —	37,631	1	4
Paper, cards, and dice, 24th June, 1711	17,825	8	10
Additional cards and dice, 15th April, 1756	88[illegible]4	19	4
Ditto, 5th July, 1776 — —	8505	19	4
Almanacks, 1781 — —	1005	0	1
Policies of inſurance, 10th June 1712 —	6766	19	1
Additional duty, 1ſt June, 1765 — —	2564	11	7
Apprentices duty, 1ſt May, 1715 —	6169	14	9
Ale licenſes, 1750 — —	49,498	0	9
Additional ſtamps on paper and parchment, 5th July, 1757 — —	80,545	3	0
Ditto, — 1759 — —	10,034	12	9
Ditto, — 1762 — —	358	11	1
Ditto, — 1765 — —	793	14	3
Ditto, — 1676 — —	60,268	8	10
Ditto, — 1777 — —	47,077	19	3
Ditto, — 1779 — —	23,726	9	11
Ditto, — 1780 — —	18,903	0	5
Additional ditto, and bills of exchange, 1ſt Auguſt, 1ſt September, 1ſt October, and 1ſt November, 1783 — —	197,535	4	11
Additional ſtamp duties, 1ſt and 29th September and 1ſt October, 1784 —	2094	0	0
Poſt horſes, 1780 — —	102,827	0	0
Additional policies, 1782 — —	97,248	11	10
Additional paper and parchment, 1731 —	43,083	1	6
Paper, per lottery, 1714 — —	19,931	15	11

Wine

	£.	s.	d.
Wine licenses, 5th July, 1757 —	18,044	6	9
Additional carriages, 1st August, 1783 —	19,942	17	3
Licenses for selling lottery tickets, 1782	290	17	4
Ditto, —— — 1783	500	0	0
Stamps per bank — —	8301	7	4
Total of stamps	936,283	0	0

INCIDENTS.

	£.	s.	d.
Salt, 5th April, 1759 — —	221,363	12	5
Ditto, 10th May, 1780 — —	55,340	14	8½
Ditto, 22d June, 1782 — —	56,031	9	6½
700l per week letter money — —	37,100	0	0
Letter money, 25th October, 1760 --	154,000	0	0
Seizures, — — 1760	33,675	8	9¼
Proffers, ditto — —	500	16	7
Alienation duty, ditto — —	1040	2	[illegible]
Compositions, ditto — —	7	10	0
Fines and forfeitures, ditto — —	485	9	4½
Rent of a light house, ditto — —	6	13	4
Fines of leases, ditto — —	6051	16	0
Allum mines — —	960	0	0
Hawkers and pedlars, 1710 —	[illegible]	[illegible]	[illegible]
Hackney coaches, 1711 — —	11,000	0	0
6d. per lib. on pensions, 24th July, 1721	43,400	0	0
1s. deductions on salaries, &c. 5th April, 1758 —— ——	43,118	5	6
Men servants, 5th July, 1777 (Arrears)	437	17	0
First fruits of the clergy — —	5761	5	11
Tenths of ditto — —	9752	15	2½
Houses and windows, 10th Oct. 1766	392,852	10	9
Houses, 5th April, 1778 —— —	114,652	13	1
Total of incidents	1,190,635	0	10¾
Total of customs, excise, stamps, and incidents — —	10,395,519	1	0¾

Exchequer, the 2d day
of February, 1785.

JOHN HUGHSON,

February

February 4.

The right honourable *Welbore Ellis* moved, that the order of the day for the attendance of the High Bailiff, &c. might be read; but he said, at the same time, that, contrary to his former intention, he did not mean to enter into an examination of the returning officer this day, or institute any proceeding relative to the Westminster election before Tuesday next. In thus postponing the consideration of a most important business to a future day, he hoped no one would imagine that he intended to abandon it; his reason for proposing the delay was, that the right honourable gentleman, (Mr. Fox) who was most nearly affected by, or interested in, the decision on the Westminster election, and the want of whose abilities in the discussion of such a question would be a loss to the House, had met with an unfortunate accident, which kept him at present confined to his apartment; he had strained the tendon Achillis; and was not now able to stir abroad. He understood, however, that his surgeon was of opinion, that the right honourable gentleman would not suffer a long confinement from this accident; that three or four days rest would probably so far reduce the swelling, and remove the pain, as to enable him to attend his duty in that House. He concluded by saying, that when the order for the attendance of the High Bailiff, &c. should have been read, it was his intention to move, that a new order be made for him to attend on Tuesday next. The Right Hon. Welbore Ellis.

Mr. Chancellor *Pitt* said, he did not mean to oppose the motion of the right honourable gentleman: he himself was one of those who would lament, if, in discussing the business of the Westminster election, the House should not receive the assistance of those abilities which so eminently distinguished the right honourable gentleman who was absent. If any accident had happened to him, he was sorry for it; and hoped that the inconvenience arising from it to the right honourable member himself would not be of long continuance. But in giving way to the right honourable gentleman's motion, he would not give up his claim to the merit of renouncing that advantage, which the absence of the right honourable member would give him, in agitating the question of the election; nor could he help remarking, that a motion for delay came not with a good grace from those, who charged another honourable person, not less interested in the return for Westminster than the right honourable gentleman Mr. Chancellor Pitt.

 who

who was absent, with a studied intention to procrastinate and spin out the scrutiny to an unreasonable length: the delay did not now rest with any other than the right honourable member himself. When a petition was presented to the House a few days ago from certain electors of Westminster, complaining that their city was not represented in Parliament, they did not surely recollect that they were ably represented by the burgess for Kirkwall, whose absence on this day was to create a delay, that would for some days longer stop an inquiry into the cause why Westminster remains unrepresented. A grave and high authority, that of the right honourable member who made the motion, had said that the right honourable gentleman, who was absent, was the person most nearly concerned in the decision of the election for the city in which he was then speaking; if he was so very nearly concerned, then it was not with the best grace that the electors had complained that they were not represented; for while they had the aid of the shining abilities of the right honourable member, who was so deeply interested in the question to which their complaint was directed, they might be truly said to have not only a representative, but a most able one. He concluded by repeating what he had said at the beginning, that he would not oppose the motion, but that at the same time he would have it known that the delay did not originate with him, and that it was countenanced by those only who complained of procrastination and affected delay.

The Right Hon. T. Pelham

The right honourable *Thomas Pelham* replied, that with whatever propriety he, who was an enemy to reform in Parliament, and was of opinion, that a member elected locally, represented generally the Commons of Great Britain, and not merely his own constituents, might think that a burgess of Kirkwall represented Westminster, it was with a bad grace, indeed, that the Chancellor of the Exchequer, who would wish to be thought, the *sincere* champion for parliamentary reform, should hazard the assertion of a similar opinion. For his own part, representing, as he did, a great county, and standing upon a popular election, he felt that the question of the Westminster election did not near so intimately concern the right honourable member who was absent, as it did the Commons of Great Britain at large; it concerned himself as much as it did the right honourable member; it concerned every man who would venture to stand upon popular principles for the honour of representing counties;

counties; it concerned the whole body of the People at large. Therefore, when he was ready to agree to the proposed delay, it was not in empty compliment to an absent member, as personally interested in the business, but because, acquainted as he was with the unbounded abilities of that gentleman, he thought the Commons of Great Britain would act unwisely, if, by precipitating a question of so much moment, they should deprive themselves of the assistance of so able a member. The Chancellor of the Exchequer expected credit for the sincerity of his wishes to procure a reform of the representation of the People in Parliament; but the People had still to look for the fruits of those wishes; and they had no very great encouragement to expect to see them, when they considered the measures that some members had countenanced, in order to keep those out of Parliament who had a right to sit in it; and, instead of what the right honourable member called a bad or defective representation, to leave them no representation at all. The right honourable member maintained, that representatives were bound to obey the instructions of their constituents; but he took care, that the electors of Westminster should have no members to whom they could send their instructions. This, he thought, argued no good to the cause of reform, to which the right honourable member affected to be so very sincere a friend. To the motion for a delay of the proceedings in the Westminster business, he intended to give his support, not because the right honourable member who was absent, was more nearly concerned in it than himself, or any other country member in the House, but because he was convinced that himself, and other country gentlemen, would derive so much information from the right honourable member when he should be able to attend, that they must be the better able to determine what side to take, when a question should come before them for deciding upon the steps that had been already, and still remained to be taken relative to the Westminster election.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* begged leave to explain. He said, that when he took the liberty to remark that the right honourable gentleman, who was absent, was most nearly concerned in the business to which the order then under consideration related, he did not advance it upon his own, but upon the high and grave authority of the right honourable gentleman, who made the motion. As to his professions relative to a parliamentary reform, he cared not how often

they were examined; as he knew that the more they were ſifted, the more it would appear that they were ſincere. One thing, however, had dropped from the reſpectable member who had ſpoken laſt, which he could not paſs over unnoticed: the honourable member aſcribed to him this doctrine, "that repreſentatives are bound to obey the in-"ſtructions of their conſtituents;" but he aſſured the honourable gentleman he never laid down ſuch a doctrine in that Houſe, or elſewhere; nay, that he condemned and reprobated ſuch a principle; he had always ſaid, that though a member was bound to pay particular regard to the local intereſts of the place which choſe him, yet he muſt conſider himſelf as the repreſentative of the whole kingdom.

Mr. Burke.

Mr. *Burke* ſaid, the right honourable member was an enemy to prolixity in every thing but one; he was not an enemy to the prolixity of a ſcrutiny; though he might think a ſpeech of an hour's length in that Houſe very long and tedious, he ſeemed to take great delight in a ſcrutiny that bid fair to laſt as long as the Parliament. Turning from this to the buſineſs immediately before the Houſe, he obſerved the right honourable gentleman ſeemed to treat with unbecoming levity, the account of the accident that had happened to his abſent friend; when two perſons were in a ſtate of hoſtility, or to uſe a milder expreſſion, in a ſtate of competition or rivalſhip, there was a certain degree of delicacy to be obſerved by both towards each other; there was a decorum, that could not be tranſgreſſed by either, without diſhonour. If two generals, rivals for fame, commanded oppoſite armies in time of war, which was the moſt hoſtile kind of competition, and one of them was wounded in an engagement, the other would certainly paſs for a man of no elevated mind, who could treat with levity the wounds of his rival. If humanity would not make him drop a tear over his miſfortunes, generoſity and liberality would not ſuffer him to make choice of that particular moment, to throw out ſarcaſms againſt him. And yet it was in ſomewhat ſimilar circumſtances, that the generous and liberal ſoul of the Chancellor of the Exchequer ſeemed to feel a pleaſure in finding in the accident that had befallen the right honourable gentleman, a handle for ſarcaſtically charging his right honourable friend with being the cauſe of the delay: he would leave him in full poſſeſſion of ſuch a pleaſure, in the enjoyment of which, he would venture to ſay, he would not be envied by any man in the Houſe. The right honourable

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gentleman seemed to doubt, that his right honourable friend had really received any injury from what had happened to him; "for my part, (said Mr. Burke) I can assure the "House that I saw my right honourable friend, that he "leaned upon my arm, and was unable to walk without "support: but if my assertions do not deserve credit, the "surgeon who attends my right honourable friend may be "sent for, and he will satisfy the House, that in conse-"quence of the accident that has happened, my right ho-"nourable friend is not able to walk across his room alone." Mr. Burke then declared, that Mr. Fox felt more concern on account of the delay, than of the pain occasioned by his misfortune; and he could say for one, that nothing could be farther from his own wishes, and he believed he might say the same for all his friends, than unnecessarily to postpone the consideration of a business, which, for the honour of Parliament, could not be too speedily brought to a conclusion.

Here the order for the attendance of the High Bailiff, &c. was read; and the question being put on Mr. Ellis's motion for discharging it, it was carried without opposition.—Another was then made by the same gentleman, for the attendance of the High Bailiff, and of Messrs. Hargrave and Murphy, on Tuesday next.

The right honourable W. *Eden* rose immediately after the business had been thus disposed of, and said he would take the opportunity of a full House, which he then saw, to give notice, that he would on Wednesday next, move to discharge the order made a few days ago, for giving the Chancellor of the Exchequer, and some other members, leave to bring in a bill for settling the trade of Newfoundland; and he said he would do this for the purpose of making way for another order for bringing in the bill upon a more extensive plan; and in moving for that order, he would take the liberty of throwing out his ideas relative to the law as it now stands, respecting the intercourse between America and Newfoundland, which differed very widely from what he had heard asserted a few days ago, by two very great authorities, he did not know which was the greatest (meaning Mr. Pitt and Mr. Jenkinson.)

The right honourable W. Eden.

The right honourable *C. Jenkinson* said, that what he took the liberty to advance, a few days ago, relative to the trade of the colonies, had been misunderstood, or misrepresented. What he said, or wished to have said, was this; that there was

The right honourable C. Jenkinson.

was not now any law, that there never had been any law in this country, that prevented British ships, navigated according to law, to trade in any part of the globe, the East Indies only excepted; the East-India Company having, by charter, the exclusive right of trading to the latter. The right honourable gentleman said he would move on Wednesday next for the discharge of the order for bringing in the bill; but he would assure him that his motion would then come too late, as the bill would be brought in on Monday: and indeed every one who knew the necessity for passing that, or some such bill, must wish it to be carried through both Houses, with all possible expedition: if therefore the right honourable Member wanted to take the sense of the House, on the discharge of the order, he had better make his motion for that purpose on Monday.

Mr. Baring. Mr. *Baring* said, that he entertained a hope, that if the order should be discharged, it would be only for the purpose of extending the object of the bill. The present state of Newfoundland demanded a speedy supply of stores, and it was very material that an end should be put to the contests which had arisen in the colony on what was the law.

Mr. Eden. Mr. *Eden* rose just to observe, that not being wedded to a day, he would not persist in his intention to make his motion on Wednesday; and, as Monday appeared to the right honourable gentleman, who spoke last but one, to be the more proper of the two, he would, on the latter, move for the discharge of the order.

Mr. Dempster. Mr. *Dempster* informed the House, that he had in his hand a petition from the weavers of Glasgow, employed in the manufacture of muslins, &c. complaining of the ruinous consequences that the tax upon muslins and printed linens would bring upon their trade, unless the legislature should interpose, and repeal it. This petition, he observed, was signed by 12,000 persons, every one of whom, he verily believed, was really concerned in the business of weaving. He then moved for leave to bring it up.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* requested the honourable member would read it, that the House might be thoroughly apprized of its contents, before the question on the motion for bringing it up should be put.

Mr Dempster. Mr. *Dempster* accordingly read it.

Mr. Burke. Mr. *Burke* begged leave to say a few words in support of a petition that came from a city with which he had the honour in some degree to be connected (as Lord Rector of the University

verſity.) He then purſued the line of irony drawn by Lord North, and concluded by ſaying, that the petition had his hearty concurrence.

The queſtion was at length put, and carried without oppoſition. The petition was then read by the Clerk. It purported to be, "The REMONSTRANCE and MEMORIAL of "the Operative Weavers of the city of Glaſgow, borough "of Rutherglen, and of all thoſe operators who have en- "tered into a correſpondence with the Glaſgow Committee, "humbly offered unto the honourable the Commons of "Great Britain in Parliament aſſembled, and ſetteth forth, "That we who hereunto ſubſcribe our names, are the ope- "rative weavers of the places above mentioned, and, hav- "ing taken into our ſerious conſideration the very alarming "nature of the late taxes on printed linens and Britiſh manu- "factured muſlins, beg leave, with all deference, to ſub- "mit our ſentiments thereon to his Majeſty's Miniſters and "to Parliament; therefore, as a body of operative tradeſ- "men and free-born ſons of Britain, acting for the preſent "intereſt of the nation, and for the advantage of after ages, "claim the liberty, as free ſubjects, to offer to your ho- "nourable Houſe, in the firſt place, our opinion of theſe "unpopular, unwiſe, and ruinous taxations; and ſe- "condly, as our ultimatum, to crave a repeal thereof: it "is therefore the opinion of us all, without reſerve of ſenti- "ment, as we do not mean to be prolix, nor to detain this "honourable Houſe with a chain of fine-ſpun arguments, "that theſe late duties on the printed linens and Britiſh ma- "nufactured muſlins are, in our views of matters, and in "reality we preſume, the moſt unwiſe, imprudent, and, in "ſhort, ruinous laws that could poſſibly be deviſed by any "Miniſter who wiſhed his king and his country well: and "farther, honourable gentlemen, we, as a body of ope- "rative tradeſmen and free ſubjects, in giving our opi- "nion, do not mean to count our loſs by *per cent.*; but we "make bold to ſay, that if theſe laws are allowed to con- "tinue, they will go far in extirpating theſe branches, par- "ticularly the Britiſh muſlins (and cotton machinery, "which on the branches of manufacture has its dependence) "from this country: we preſume there is not a member "within the walls of this honourable Houſe unacquainted "with the infinite toil and induſtry with which theſe "branches of Britiſh manufacture have been reared and cul- "tivated, and yet are ſcarce arrived at the half ſtage of per-

"fection,

" fection, cultivated, we say, at very great expence and labour, and even imminent hazard of wasting fortunes; " and much of the cotton machinery in Scotland, and even " in England, though in a fair way of doing well, yet have " not paid their cost, nor even produced a farthing of profit: " The consequences of these laws, therefore, if allowed to " continue in force, will be emigration and depopulation, " and all the train of miseries which are the usual attendants " of such national misfortunes: it is the greatest curse that " can come upon a land, next to a judgment from heaven, " to have industry curbed—And farther, we cannot help " observing, that these laws give an immediate preference " to the muslins and callicoes imported by the East-India " Company, at the immediate risque and hazard of the non-" consumption of our British manufacture: we mean to " speak our honest sentiments, which we presume we have " naturally a right to: the East India Company import their " articles of callicoes and muslins from a country where ty-" ranny and oppression reign, and where too the [illegible]-" ous gifts of Almighty God early established the growth " of the whole of the materials of their manufacture within " their own boundaries: on the contrary, we have every " difficulty to struggle with, and to import our raw mate-" rials for the printing and muslin branches from foreign " countries, on most of which high duties are paid for the " support and dignity of the Crown, which we think right: " why, therefore, in the name of God, should we be en-" gaged in a threefold war of competition and rivalry with " this company of foreign merchants, who, at the expence " of the blood and treasure of the nation, are held up and " supported on all hands? and moreover, the present flourish-" ing and patronized state of these manufactures in Ireland, " France, and Switzerland, and other places on the conti-" nent, render the present laws alluded to, an expedient ex-" tremely dangerous, and by no means ultimately bene-" ficial to government: all these arguments were fully and " clearly set before your honourable House last session of " parliament, by the convention of the royal boroughs of " Scotland, by the chamber of commerce of the city of " Glasgow, and by the manufacturers of this city of Glas-" gow and neighbourhood: and we have only farther to set " before your honourable House, that we are deeply inte-" rested, each for ourselves individually, with the rise or " downfal of the linen and cotton manufactures; and we " have

" have the vanity to say, and secure when we say it, that " these branches of manufacture have already proved a source " of wealth to the nation, and give bread to many thousands " of his Majesty's industrious and loyal subjects, and pro- " duce all those advantages which naturally arise from " population and well-directed industry; and farther, the " memorialists take the liberty to say, that if these laws " are not repealed, that the result and consequences will " naturally be a more limited and contracted sale, and re- " duction of the employment of the laborious operative " weavers and their dependents, who are many thousands; " the consequences then before mentioned may be dreaded, " viz emigration and depopulation; or to remain at home, " a scarcity of bread, and misery to stare us in the face, " which cannot fail to render desperate a great part of this " nation: honourable gentlemen, the desire of the nation, " and us operative weavers who hereunto subscribe, is, that " you would take into your serious consideration the pro- " priety and necessity of repealing these taxes: we presume " your honours will immediately see it necessary; therefore " the unanimous voice of us all is, Repeal! Repeal!—We " have particularly in our eye the late duties on printed " linens and British manufactured muslins; but we would " beg leave to call your attention not only to these, but to " the encouragement of all the manufactures of this country " in general: other objects of taxation, less dangerous, less " obnoxious and destructive, may easily be substituted; why, " therefore, curb ingenuity and industry? If you are de- " signed, honourable gentlemen, under the great Ruler of " the universe, to be happy instruments of raising this " drooping nation to its wonted splendour, you have an ar- " duous task allotted for you indeed: you have to undo the " mistakes of many years, and to pilot this sinking nation " into the channel of rest, which nature, experience, and " the circumstances of the times, point out: and this (taken " to be your lot) lays open a large unbounded field for the " display of true Roman like patriotism, and for the sup- " pression of all frivolous or selfish considerations: you are, " as Members of the British Senate, Heaven's trustees for " the nation and all its dependencies; and the trust which " heaven has reposed in you, ought therefore to be a mat- " ter of the most serious concern and import: you are the " stewards of the nation; therefore you are bound, by " every tie, effectually to redress grievances, and to dif-

" fuse universal justice, common, or at least should be so, " to all ranks and classes of mankind: The confidence of " the nation will be confirmed to the Legislature, by manu- " factures being unshackled, unfettered, and encouraged by " bounties: by these means also your names will be trans- " mitted to posterity, as the saviours of your country, and " guardians of the British liberties: We, the operative wea- " vers of the places aforesaid, will close their observations, " by again expressing their serious apprehensions that the woeful " consequences arising from these taxes, if allowed to continue " in force, are such as deserve the most serious attention of the " Legislature, to whom they at present look up with that " anxiety and solicitude incident to a situation so peculiarly " interesting: hoping for that protection which will enable " them to continue useful subjects of the state, and prevent " them from adopting the painful expedient of seeking en- " couragement abroad, which, by a continuation of these " laws, they consider as being denied us in our country: " our ardent desire is, to be useful members of the commu- " nity; and we presume, or rather flatter ourselves, that " our arguments and cause, now submitted to Parliament, " will have their full weight; and we hope that a repeal of " these laws will be the decision of the honourable Parliament " of Great Britain. The memorialists have it not in their " power to appear personally; but we beg leave to have it " understood, that our united voices surround the Parliament " House at the hour of decision; and, in humble expecta- " tion that our wishes on this business will be crowned with " success, we the memorialists beg leave most humbly and " most respectfully to subscribe this remonstrance and me- " morial."

Ordered, That the said petition do lie upon the table.

Mr. Burke. Mr. *Burke* begged leave to repeat a question, that he had put to the Treasury Bench a few days ago, but to which he had not been able to obtain a satisfactory answer. The question was this: " Whether Sir Elijah Impey was preparing to return to India with the knowledge and approbation of His Majesty's Ministers, to resume the office of Chief Justice of the Supreme Court of Judicature in Bengal."

Mr. Dundas. Mr. *Dundas*, in answer said, that for his part he could not tell whether Sir Elijah Impey was preparing to return to India, or not; he believed Sir Elijah himself could give the most satisfactory answer on that head. But if the right honourable gentleman wished to know whether any steps had been taken

to

to inquire into the conduct of that judge, in the administration of his office, he believed he could give him a satisfactory answer, when he should tell him, that steps had actually been taken for that purpose; that the inquiry was not as yet concluded; and therefore, as he could not yet foresee what would be the decision on that subject, he had it not in his power to say, that Sir Elijah would, or would not, return to India, as Chief Judge of the Supreme Court.

Mr. *Burke* said, the answer was perfectly satisfactory; for he could not suppose that Sir Elijah Impey would set out for India, while an inquiry into his conduct was pending before His Majesty's Ministers. Mr. Burke.

Here ended the business of the day; and at five o'clock the House adjourned to Monday.

January 7.

The Right Honourable *William Eden*, before he called the attention of the House to his motion, begged the clerk might read the title of the bill moved for by the right honourable gentleman on the floor last Thursday, and to which the observations he was now to make would principally relate. It was, "A bill for confining, for a time to be limited, the "trade between the ports of the United States of America, "and His Majesty's subjects in the island of Newfoundland, "to bread, flour, and live stock, to be imported in none "but British-built ships, actually belonging to British subjects." Rt. Hon. Wm. Eden.

There was one prejudice which, in the entry of this business, he was exceedingly anxious to remove. He did trust they would give him credit for meeting this subject as much divested of every degree of party zeal or passion as it was possible. The idea originated in his own conceptions of the matter. These he had communicated to some gentlemen much conversant in our mercantile laws, who had all uniformly agreed with him in the principle, to which he would now attract the attention of the Legislature. And no time, in his apprehension, required the House to proceed with greater reserve, moderation, and attention to the system of laws in being than the present. When he considered the situation in which we were placed, the increasing extent of our finances, and all the infinite variety of demands which referred to our public expenditure, his heart did not swell, he was not very proud of the burdens which we still found ourselves able to bear; but he was indeed most seriously soli-

citious that none of thoſe many reſources which we ſtill retained, might, by the temerity of the Legiſlature, or the imprudence of our Government, be impaired or debilitated. It was not now the ſeaſon, and he did not incline to expatiate on our commercial advantages, or the manner of improving them. It was his great object that none of them might be neglected or impeded in that operation which was naturally to be expected from them, provided they were not otherwiſe obſtructed. This was the point to which all his obſervations were directed, and which he hoped would influence the Houſe in whatever deciſion they ſhould agree. The face of the meaſure he deemed hoſtile in a ſingular degree, to that ſpirit of liberality which he preſumed ought to predominate in all commercial regulations whatever; the leading idea held forth by the title he had mentioned, was a diſtinction in trade. He was not, however, certain to what extent the principle might be carried, it appeared to him to be ſo generally and looſely worded, that it might be carried to the moſt dangerous extremities. He then ſtated the preſent ſituation Great Britain ſtood in with regard to other countries as a commercial ſtate, and how her regulations of trade were calculated to affect thoſe ſtates with whom ſhe ſtood in this predicament. The diſquiſition now turned on a multitude of legal obſtructions, in which the honourable gentleman called on his learned friends on the treaſury bench to conteſt the doctrines, which he ſubmitted to their attention and conſideration. He knew no law, for his part, which authoriſed any ſuch reſtriction as ſeemed intended by this bill. He wiſhed the authors of it had ſufficiently conſidered the conſequences of paſſing it into a law. He recurred again and again to the tenderneſs and circumſpection which ought now eſpecially to be exerciſed in all our attentions to commerce. The United States of America could not help themſelves, or by any means, within his knowledge, accommodate their trade to ſuch impoſitions as this bill held forth. He was not ſenſible that any circumſtance, or emergency, impelled us to ſuch a meaſure, it was of too much importance to be hurried over ſlightly; he truſted gentlemen would revolve it in their minds, and prepare themſelves for giving the ſubject an effectual diſcuſſion.

The honourable gentleman brought the following quotation from Monteſquieu, in confirmation of his commercial ideas. "When a foreign commerce with a colony is prohi-
"bited, it is not lawful to trade in thoſe ſeas, except in ſuch
"caſes as are excepted by treaty.

"Nations

"Nations who are, with respect to the globe, what individuals are in a state, like these, are governed by the laws of nature, and by particular laws of their own making. One nation may resign to another the sea as well as the land. The Carthaginians forbade the Romans to sail beyond certain limits, as the Greeks had obliged the King of Persia to keep as far distant from the sea-coast as a horse could gallop.

"The great distance of our colonies is not an inconvenience that affects their safety; for if the mother country on whom they depend for their defence is remote, no less remote are those nations who rival the mother country, and by whom they may be afraid of being conquered."

Thus far he had quoted an elegant and masterly foreign writer on this important and intricate subject, but a book but very lately published by Mr. Chalmers, had very largely and liberally discussed the point *, He trusted, every gentleman who wished to understand the matter in debate, had got the valuable tract he referred to, and he would therefore decline any quotation; but he was happy to agree with that very able and intelligent author in most of his leading principles, and the commercial concerns of this country. The new aspect which the independence of America had given to the Western Continent, made every disquisition of this kind peculiarly delicate and interesting; he was, however, so well founded in his general idea, that he could wish it to undergo the strictest and most important investigation, The application of what he had with great sincerity suggested on these topics to the bill before the House, or which the House had given leave to bring in, was obvious, and ought to procure attention. The contents of the bill he knew not; it was the title to which his reasoning and objections chiefly went; this he was desirous to alter, and render consonant to such a regulation as should comprehend the case in question; he was sufficiently aware how dry and unacceptable such disquisitions often are to gentlemen, especially on the first hearing, but he trusted he should be able to follow the measure, step by step, and expose the absurdity of it in such a manner as to obtain the suffrage of the House, who would soon get acquainted with the subject sufficiently to follow him in his reasonings on it; and as party had no concern in the issue, he was not without hopes of support in a matter thus replete

* Vide "Opinions on interesting subjects of commercial law, and "commercial policy, arising from American independence." By George Chalmers, Esq. printed for J. Debrett, price 3s.

with

with the profperity or decline of the British commerce. Such a queftion in that affembly was always of much real importance, but the circumftances of the time rendered it peculiarly fo at prefent. He believed that at this moment there were no lefs than five different treaties of a commercial tendency between this country and others depending. So unprecedented and rafh had the United States of America been in the management of their commerce, that it was impoffible for them to do any thing which, by proper attention on our part, might not be rendered advantageous to us.

Having ftated his reafons for thinking that the prefent fyftem of our trade and navigation laws, however inapplicable to abftracted theories of free commerce, was become effential to this country from her peculiar circumftances; and that it was this fyftem alone which could enable an ifland like Great Britain to maintain a flourifhing trade and landed opulence, together with public credit and naval ftrength, under the preffure of accumulated taxes, to the amount of fifty fhillings a head for every individual in the community: and having alfo fhewn this fyftem, fo far as it has hitherto monopolifed not only the navigation, but the fupply of the British Colonies, was conformable to the law of nations, to the ufage of every known empire in the world, to various exifting treaties, and, laftly, to the municipal laws; he proceeded to fay, that he might perhaps have refted his objections to the prefent bill on the two great grounds of expediency and of analogy. "I might," fays he, "fairly have inferred, that if a new empire arifes upon the face of the globe, the queftion fhall not be in what quarter of the world fuch a phænomenon appears; there is no reafon in common fenfe why the locality fhould make any difference, or give a claim to any diftinction. If a new empire arifes, that empire muft conform to what has been the practice refpecting all other empires: if that practice is clearly known, you are not to inquire whether the new ftate is fituated in the Baltic or the Mediterranean, in the Atlantic or the Pacific Ocean. Such a ftate, wherever found, muft take the difadvantages incident to dominion, together with the imaginary fweets of her independence. By the act of her independence, fhe is become foreign as to Great Britain, and foreign produce cannot go to British Colonies without being previoufly landed in this kingdom." Perhaps he might be told that there had once exifted an intercourfe between the British Colonies and the French and Spanifh Iflands. to this he would anfwer, that it was a commerce contrary to pofitive treaties exifting then,

then, and at this day in force; and it had never been authorised by any positive law. It was true that there were acts of Parliament to charge a duty on the imported produce of foreign islands; but there were no acts to authorise the clearances outwards to those islands, or the cockets of entry and importation. That trade had always been both irregular and clandestine; but if it had been otherwise, it would have amounted only to a limited communication between two neighbouring colonies, for the mutual advantage of the two parent states, which was a consideration differing totally from a direct trade between a colony and an independent state. In observing this, he must again repeat that the present bill assumed for its principle, that an unlimited trade in the British-built ships between the New States and the remaining Colonies had legally subsisted ever since the peace.

Here, then, he would contract the whole argument, and would rest it on one point: he would assert with confidence, "That no country, by changing its sovereign, can acquire "thereby new rights in the dominions of that sovereign," or, to state that proposition more specifically, he would say, "That the laws of this kingdom, regulating the trade and "intercourse between two British colonies, remain in force "and effect, notwithstanding the subsequent separation and "acknowledged independency of one of those colonies, until the same are altered by Parliament." If proofs of this were wanting, he would refer to Dunkirk, from which port French wines cannot at this day be brought; because, when the act of Navigation passed, Dunkirk had not yet been sold, and has never since been acknowledged as French in any act of Parliament. In like manner, and at this hour, (by an unreasonable strictness) Riga is not considered as a Russian, nor Stetin as a Prussian port; for the mere change of dominion makes no variation cognizable by the officers of revenue, or the courts of justice.

But lest it should be wished to raise distinctions against precedents, in support of a point which seemed self evident, he would refer to the act of Parliament of the 23d of His present Majesty: that act dispenses with certain instruments on the arrival of vessels from the New States in British ports; but similar instruments were at the same time requisite, by subsisting acts, on the arrival of vessels from the New States in the ports of the colonies; and the instruments last mentioned were left unrepealed. The whole subject at this time had undergone very full discussions, and the Legislature had said, We will repeal a part of the restrictions; but we will

also

alſo leave a part of the reſtrictions untouched. Could there, under ſuch circumſtances, remain a doubt of the conſtruction and intentions of the law? The ſame act had been re-enacted five times under two Parliaments and two Adminiſtrations; and yet the Houſe was now to be told that the proceedings of both Parliaments had been erroneous, and that the Colonies, by changing their dominion, were entitled to be in a better ſituation as to this country, than all the foreign powers of Europe; in ſhort, that the proviſional articles of peace had ſuperſeded the commercial acts of Parliament.

Mr. Eden concluded by ſaying, that, to ſuch doctrine, he felt decidedly adverſe in every view of juſtice, expediency, and law. He ſeriouſly regretted that it had been brought forwards. Thoſe who eſpouſed it with moſt warmth, ſurely muſt have ſome doubts reſpecting it; and yet they ſurely alſo muſt foreſee, that it would bring upon them a weight of buſineſs, and a choice of difficulties. They had now forced on this country the neceſſity of regulating, by poſitive law, what might have been ſettled with better advantage by treaty; for it was evident that Parliament muſt forthwith proceed without delay to eſtabliſh a ſyſtem of reſtrictions between the New States and the Iſlands, and Canada and Nova Scotia. He moved "That the orders of the 2d of "February be diſcharged."

Mr. Jenkinſon. Mr. *Jenkinſon* defended the title of the bill, and ſtated the origin of it to have been this: laſt year there was a very great ſcarcity of proviſions in Newfoundland; it happened that ſome veſſels arrived from America, laden with proviſions. The Governor of Newfoundland, a very worthy officer, was puzzled how to act; his own opinion was, that the proviſions might be legally imported: he ſummoned a Council, and took the beſt advice he could obtain upon the ſpot: the Council were unanimouſly of opinion with the Governor, and, under that ſanction, the proviſions were permitted to be imported, and the Governor wrote an account of the proceedings, and ſent it home, with a requiſition of the advice and authority of Government how to act in ſimilar caſes in future. The ſubject had come before a Council at home, Mr. Jenkinſon ſaid, at which he had aſſiſted; and as gentlemen would ſee it was neceſſary to come to ſome deciſion on a point of ſo much importance to the trade and navigation of the country, and either to cenſure the Governor, if he had acted wrong, or to draw a line, founded in policy and expediency, for his conduct, and that of other Governors

nors in time to come, if he had done what was right, the bill, the title of which was then under discussion, had been drawn. That the title was a proper one, Mr. Jenkinson said, he had never entertained a doubt previous to the order having been moved for it last Wednesday; nor was his opinion at all changed by what his right honourable friend had said that day. The ground of his opinion was this; there was no existing law that prohibited the Colonies trading to the Colonies of foreign powers in a legal manner, that was, in British-built ships, legally cleared. Now, no axiom was more incontrovertible, than that what was not prohibited was permitted. The first question, therefore, he would desire those who objected to the order to answer was, that he had just stated. If there did exist a law prohibiting the Colonies trading to the Colonies of foreign powers in British ships, legally sailing, let that law be pointed out to him. Having stated this, he observed, that much of the seeming mystery, in which one of the plainest propositions possible had been involved, arose from the laws of trade and the laws of navigation having been repeatedly mistaken for each other, when nothing could be more distinct than their separate objects. Not that he meant to throw any personal blame on those who mixed them in their arguments at this time; they had been so mixed repeatedly; nay, they were blended in almost every one of the statutes that referred to trade and navigation. From this remark he proceeded to define what the laws of navigation pointed to, and what the laws of trade. He then traced the history of the restrictions imposed on the Colonies for the mother country, from the year 1705 to the present æra, and afterwards stated the usage at all the different periods. Having thus laid down the law and the fact, and argued upon the construction of different acts of Parliament, and applied that construction to the present case, he ultimately contended that the order was correctly worded, and that the arguments *e contra* were founded in misconstruction of law, and misapprehension of usage, and therefore, he said, he should vote against the motion.

Lord *North* rose to support Mr. Eden's argument, and strenuously contended that, in conformity to the spirit of the intercourse act, and in conformity to the language of the proclamations that had been issued under it, the bill to be brought in upon the order that his honourable friend had moved to have discharged, should be a bill of extension, and not a bill of restriction. He hinted that as the order and title of the bill would extend its operation to Ireland, great care Ld. North.

ſhould be taken to prevent a jealous neighbour and a jealous ſiſter from taking an alarm, and conceiving that the Britiſh Parliament meant to legiſlate for that kingdom. This his Lordſhip declared to be a matter that would require infinite caution; indeed the whole object of the bill involved a queſtion of as much importance as had ever been agitated in that Houſe.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* ſaid, the ſubject had been ſo fully and ſo ably argued by the right honourable gentleman near him, that there remained little more for him to do than to take up a few minutes of the time of the Houſe in ſuggeſting ſome ſhort remarks, as well upon what had been ſaid without reference to the queſtion before them, as upon thoſe arguments that did apply to it immediately; and firſt he would begin with the latter Mr. Pitt then remarked to the Houſe, that though on the day when the preſent matter was firſt agitated, it had been declared that the order militated againſt the Navigation act, and a gentleman had in a manner pledged himſelf to the Houſe to prove it; that pledge had not been that day made good: on the contrary, the argument relative to the violation of the Navigation act had been abandoned altogether, and they had not heard one word about it; but the queſtion had been defended by ſpeculative conſtructions of the acts of the 4th of George III. and upon the conſtruction of different acts of the preſent King, upon words that were not to be found in thoſe ſtatutes, and upon a proclamation that undoubtedly was erroneouſly worded. Theſe aſſertions he proceeded to argue on, and having gone through them, he ſaid, he would take notice of what had been introduced into the debate, without any connection whatever with the queſtion. What he alluded to was, the ſuggeſtions which the noble Lord in the blue ribband had dragged into the preſent debate ſo unneceſſarily and improperly, on the ſubject of Ireland, ſuggeſtions that, with whatever motives they might have been introduced, could not but have the moſt miſchievous tendency, inaſmuch as they were calculated to ſpread alarms in that jealous neighbour and ſiſter kingdom, as the noble Lord had thought proper to term Ireland. He expatiated upon this matter, and declared his aſtoniſhment how any man could raſhly venture at hints of ſo delicate and dangerous a nature, but moſt eſpecially that the noble Lord ſhould have done ſo, who muſt, from experience, have learnt the temper of Ireland, the readineſs with which men's minds took alarm, and the difficulty that attended every adjuſtment under the preſent circumſtances of the reſpective countries,

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No man who had any regard for the welfare of Ireland, or the common interests of the two kingdoms, he should have imagined, would have done any thing to create alarm, when there was not the slightest cause for such alarm, nor could he easily be brought to think that it was done but with a mischievous design to foment discord, and insure the continuance of disunion. Having enforced this censure, he returned to the immediate subject of debate, and summarily repeated his reasons for being of opinion, that the order was the precise order that was adapted to the circumstances to be provided for by the intended bill.

Mr. *Eden*, in explanation, said, the right honourable gentleman's argument relative to his not having reasoned from the navigation act, was enough to have provoked any man to the rudeness of telling the right honourable gentleman that he had never read the navigation act. What had the chief stress of his argument been laid upon, but that act, which he had quoted the language of, to prove that he was right in his view of the question? Mr. Eden read from the statute those words which he had before quoted, and having done so, complained of the want of candour of the right honourable gentleman, in resorting to what had passed in that House upon the subject before, after he had opened the debate with an express declaration that he should lay all that had been heretofore said out of the case, and meet the question liberally and fairly on its own merits. Mr. Eden.

Lord *North* also defended himself from the attack the Chancellor of the Exchequer had made upon a part of his speech. He said, he should always thank the right honourable gentleman for correcting any error he might fall into; but he should not have held the favour of that day in less estimation, if the right honourable gentleman had left out that remark, that he could not be a friend to the welfare of his country, who should presume to mention Ireland in that debate. His Lordship stated, from the very wording of the title of the bill, that Ireland was expressly comprehended in it. The words "His Majesty's European dominions," undoubtedly referred as well to Ireland as to Great Britain; so far, therefore, from the mention of Ireland being irrelative to the question, it was as closely referable to it, as any other consideration that had been agitated. But it was evident, that the right honourable gentleman had determined, that he never should open his mouth in that House, without his experiencing a most uncandid and unfair construction of his words. Instead of answering his arguments, the right honourable gentleman Ld. North.

tleman made it his constant practice to charge it as an intention in the noble Lord to excite unnecessary clamours, to promote mischief, to create difficulty, and to embarrass government. These charges he should ever meet with a positive and flat denial. He had no such design, nor had he that day said a syllable that, fairly weighed, would be found to warrant any such construction. What he had said before, he would repeat again: the bill clearly referred to Ireland; in what manner the clauses would be worded, he could not pretend to say, because they were not before him; but it would be an extreme delicate matter to manage. They ought to be cautiously worded, lest Ireland should take alarm, and cry out, that the British Parliament ought not to legislate for them. What was there in his suggesting this, more than if he had said in plain terms: "Let his Majesty's Ministers take care. I warn them of their danger! They have a difficult matter before them, and these are the peculiar circumstances that constitute the difficulty." His Lordship, before he sat down, said, he hoped no man would go away with the impression, that he had any the most distant intention of using such words, as would not well become the most sincere and anxious friend to the welfare of his country.

Mr. Fox.

Mr. *Fox* rose next, and said, it might be deemed rash and presumptuous in him, to presume to cope with the right honourable gentleman, and the learned gentleman on the bench near him, on points of law, and the construction of acts of Parliament, but he thought the subject so self-evident and obvious, that he would venture the contest. He then proceeded to combat the various positions laid down in the course of the debate on the opposite side of the House, and maintained the direct reverse of most of them. He complained of Mr. Jenkinson's introduction of a name so respectable as that of Admiral Campbell, declaring that he considered it as an artful attempt to atone for weakness of argument by strength of authority. He added, that, in his opinion, Admiral Campbell's advice, with regard to what the new law ought to be, would be more worthy of attention, than any opinion of the Admiral, what the old or existing law was. He then took up the cause of Lord North, and supported what he had said on the subject of Ireland, asserting that the noble Lord had rather deserved the thanks of the Minister than his censure. He declared for one, that he considered all the right honourable gentleman had said in such lofty language, in reprehension of his noble friend, as a collection of high sounding words signifying nothing. He added, that had the

the noble Lord when in office, or had he when in office, received such friendly hints, previous to their bringing in bills, perhaps many very loosely-worded acts would not now have disgraced the statute book, but have appeared there correctly and free from imperfection.

The *Attorney General* (Mr. Arden) answered Mr. Fox, and said, though the right honourable gentleman had not been bred to the bar, he had a legal head, and argued points of law and the construction of acts of Parliament as well as any lawyer in the kingdom. After this compliment, Mr. Attorney proceeded to debate the question, contending that the order was perfectly right and perfectly correct. He went into the consideration of the different statutes that had been cited, and referred to in the course of the conversation, and turned into ridicule an argument that Mr. Fox had used, viz. That all colonies that were colonies to a mother country, when an existing act of Parliament remained in force, were to be considered as such, till a new statute placed them in a different situation. If this position were true, Mr. Attorney said, America was now intitled to all the privileges of free-born subjects. She had as justifiable a claim to those privileges, as to the rights she formerly enjoyed under our navigation laws, which he conceived to consist of two statutes, one passed in Charles the Second's reign, another in that of King William. He said, Lord North had explained what he had said relative to Ireland in a manner more friendly to them than he had expressed himself in his first speech. In that, the noble Lord certainly had thrown out matters that had rather the appearance of an intention to create unnecessary alarm, than to strengthen any argument immediately relative to the question. The Attorney General.

Mr. Fox said a few words in reply.

Mr. *Eden* claimed the usual indulgence granted to the mover of a question, of being permitted to make a few short remarks on the different arguments used in the course of debate to oppose the question. He then said, it appeared to him that all the facts which had been laid down by himself and his friends had not been controverted, and that several assertions made on the opposite side of the House had not been proved. He would not take up the time of gentlemen with pointing out and reasoning upon either the one or the other. He would only say, that much of what had happened might have been avoided, had they proceeded in the business regularly, and first gone into a Committee of the whole House upon the subject, contented themselves with that for one day, Mr Eden.

reported

reported the resolution the next, and so proceeded in stages with the deliberation due to a business of so much importance, instead of which, they had gone into a Committee, reported the resolution of that Committee, and moved the order for the bill, all in the space of five minutes, a violation of parliamentary usage highly improper, and which he hoped would never again be practised.

Mr Bearcroft. Mr. *Bearcroft* said, he understood very little of the subject of debate, and he verily believed the gentlemen who had taken part in it on both sides the House, were more competent to discuss it than he was, or all the lawyers in Westminster-hall put together. What little he did understand, however, obliged him to express his surprise and his indignation. What he alluded to, was, that of all men the noble Lord in the blue ribband should have been the person to stand up in that assembly and complain of their agitating a bill, which professed in its title to refer to his Majesty's "European dominions" Good God, was the House, and was the country sunk so low, that the British Parliament was to be afraid of discussing any bill, that professed to relate to his Majesty's European dominions, from a fear that Ireland should feel a jealousy at their doing their most essential duty? Was such a suggestion to be endured? The noble Lord's remark was certainly but a trifle, but the noble Lord should have recollected, that

——Trifles light as air,
Are, to the jealous, confirmation strong,
As proofs of holy writ.——

Sir James Erskine. Sir *James Erskine* rose to reply to Mr. Bearcroft, and in a short speech defended Lord North from the charge of the learned gentleman, appealing to the recollection of the House whether his noble friend had uttered a syllable, that could lend colour even to a charge against him of having found fault with the order merely because it stated to be the title of a bill, professing a reference to his Majesty's dominions.

The Solicitor General. The *Solicitor General* (Mr. M'Donald) said, the language of the noble Lord had struck him exactly as it had struck the learned gentleman. What the noble Lord had said, appeared to him to have been extremely improper. Mr. Solicitor passed an encomium on Mr. Bearcroft, and said, he would venture to assert, that his learned friend would always speak an honest meaning in the language of plain sense, and never rise without giving the House that satisfaction, which constantly resulted from an obvious union of integrity and information.

Mr.

Mr. Solicitor, after this, ſpoke ſhortly to the queſtion, and ſupported his learned leader in that part of his argument which went to the controverting of Mr. Fox's poſition, in regard to the relative ſtate in which countries were legally conſidered to be at any given period.

Lord *North* roſe once more to obſerve, that his meaning had obviouſly been miſtaken by an honeſt and learned gentleman, who had lately declared himſelf offended at his having complained of the title of the bill on account of it profeſſing to refer to His Majeſty's European dominions. He certainly had not made any ſuch complaint, nor had ſuch an idea been once in his thoughts. He had not offered the ſmalleſt objection to the title of the bill; indeed there could be none; all that he had done was this: he had ſuggeſted that it was a bill of infinite importance, and that great caution ought to be uſed in wording it. Ld. North.

Mr. Alderman *Watſon* ſaid, he had been inſtructed to exert himſelf to prevent improper delay in a buſineſs of ſo much importance to the commerce of the kingdom. Mr. Ald. Watſon.

Mr. Chancellor *Pitt* juſt roſe to ſay, that he hoped it would now be underſtood on all hands that the noble Lord had declared the bill was not likely to give reaſonable cauſe of alarm to Ireland, and that there neither was, nor could be, any objection to the title of the bill. He alſo promiſed to aſſiſt the worthy Alderman in preventing delay as much as poſſible. Mr. Chancellor Pitt.

The queſtion was put, and negatived.

The bill was then ordered to be printed, and read a ſecond time.

February 8.

The right honourable *Welbore Ellis* moved, "That the "order for the attendance of T. Corbett, Eſq. the High "Bailiff, Mr. Hargrave, and Mr. Murphy, ſhould be read;" which motion was agreed to. The right hon. Welbore Ellis.

He then moved, "That the High Bailiff ſhould be called "in, to give an account to the Houſe of his proceedings in "the Weſtminſter election and ſcrutiny." This motion was agreed to, and the High Bailiff called to the bar.

The Speaker informed him of the reſolution which the Houſe had come to, and aſked if he was ready to give a narrative of his procedure in the Weſtminſter buſineſs, agreeable to the inſtructions of the Houſe.

The High Bailiff apologiſed by ſaying, that he was not prepared to give a general narrative of his proceedings.

Mr.

Mr. Ellis wished then to be informed of the particular mode adopted on such an occasion, when information of importance was demanded by the House.

The Speaker having asked the High Bailiff if he was ready to answer any particular questions that might be put to him?

The High Bailiff answered in the affirmative.

The Speaker then desired him to give a short account of his proceedings, which might gratify many, previous to the questions that happened afterwards to be proposed to him.

High Bailiff. I proceeded in the scrutiny in consequence of the orders of this honourable House. Some days were occupied in the settling of regulations: I then proceeded from day to day, always giving personal attendance. It began in the parish of St. Anne, where we scrutinised about a hundred votes. We then proceeded to St. Martin's, where we have already discussed about 212. In the parish of St. Anne, 25 votes were struck from the poll of Mr. Fox, and 27 from that of Sir Cecil Wray. In St. Martin's, about 80 have been struck from Mr. Fox's poll, and about 60 from Sir Cecil Wray's.

Mr. Ellis. When did the scrutiny begin?

H. B. On the 16th of June we proceeded to the scrutiny of the first vote, the previous time being taken up in forming rules.

What were the total numbers of the poll of the parishes of St. Anne and St. Martin, and also of the whole city and liberty?

H. B. In St. Anne there polled 906, in St. Martin's, 2268; and in the whole poll, 12,200.

What were the regulations of which you speak?

H. B. They related to the hours of attendance and modes of proceeding. They were in general punctually complied with; though now and then disputes arose about the mode of them.

Mr. Ellis. Did you meet with any irrelevant obstruction, or unnecessary delay in your proceeding; and, if any, what, and from whom?

H. B. The principal delay was in long examinations, in still longer cross examinations, and in long arguments drawn therefrom.

Mr. Ellis. Can you administer an oath to witnesses?

H. B. No; certainly not.

Mr. Ellis. Can you enforce the discovery of truth otherways than by cross examination?

H. B. I do not know that there are any other means.

Have

Have you any power to summon constables to attend your court of scrutiny for the preservation of rule and order?

H. B. I have no compulsory power to order the attendance of any body.

Is the attendance of witnesses then voluntary?

H. B. Entirely so.

Do you consider yourself in this scrutiny as acting under the authority of the order of this House, or by virtue of your precept?

H. B. I consider myself as acting by virtue of the orders of this House.

I ask whether now, by the progress made in this scrutiny in this space of time, and the experience you have had, you would be satisfied to make a return, if you did not consider yourself under restraint of the order of this House?

H. B. The scrutiny commenced under the order of this House, and I think myself bound to continue it until I receive farther orders. With respect to my being content, if the House shall think fit to put an end to the scrutiny, I shall consider myself as happily released from a very burdensome task.

I must remind you of what you said in the outset, that there were suggestions of numbers of bad voters having intruded on the poll. I now ask you whether the experience you have had has not so far obviated the doubts which you entertained, or the suggestions which were made to you, as to entitle you to make a return with satisfaction to your own mind, if you were no longer under the injunctions of this House?

H. B. I should be perfectly satisfied to make the return, if so ordered by this House. With respect to any suggestions, they did not relate to those parishes we have scrutinised. I apprehended that the candidate and his friends who demanded the scrutiny expected far greater success in the parishes of St. Margaret and St. John, than elsewhere; and I imagine if they fail there of not carrying a great majority in balance, they would think it prudent to decline any farther prosecution of the scrutiny.

Mr. Fox. Was not one of the grounds of suspicion on which you granted the scrutiny, the great increase of voters in this election beyond those who voted in the election of Trentham and Vandeput?

H. B. It was so.

Is not the increase of voters in St. Anne's in proportion to the general increase on the poll?

H. B. There voted in St. Anne's, on the former election, 710; on the late election, 906: on the former election the sum total of the poll was 9400; on the late election, 12,200.

Do you know of any increase of houses in St. Anne's, to account for the increase of voters?

H. B. No.

Mr. Ellis. Would you be satisfied in your mind, from the experience you have had, to make a return in the present stage, without the direction of the House?

Sir William Dolben objected to this question, as it was of no moment to the question what the opinion of the High Bailiff personally was. This objection the House did not consider of weight; and the High Bailiff was directed to answer the question.

H. B. Doubtless, I should be satisfied in making my return, when I am authorised.

I mean to ask you, whether, if the constraint of the House was withdrawn, and you were totally at liberty, would you be content to make your return now, from the experience you have had?

H. B. I should then require some time to consider of it, in justice to the party who demanded the scrutiny.

What time would you require?

H. B. It must depend upon circumstances. I should hear the reasons of the party who demanded the scrutiny.

Lord North. How many voters in the parish of St. Anne were objected to by each party?

H. B. Sir Cecil Wray objected to 71, and struck off 25; Mr. Fox to 32, and struck off 27.

Lord Mulgrave. How many voted in St. Anne's for each party?

H. B. For Mr. Fox, 545; and for Sir Cecil Wray, 364.

What parish do you carry the scrutiny to next?

H. B. To the joint parishes of St. Margaret and St. John.

Why, since you believed that the suspected votes lay there, not begin in these parishes?

H. B. I began in St. Anne's, on account of the precedent I had in the former scrutiny; and also because, being one of the smallest, it would be soon gone through. Early in the scrutiny I was called upon to settle the order; I proposed

posed to go to the parishes of St. Margaret and St. John's next; but this being objected to by Mr. Fox as a partial arrangement, I agreed to determine it by ballot.

Mr. Sheridan. Did you not hear it given in evidence at the bar of this House, that a very active inquiry had been carried on in these parishes on the part of Sir Cecil Wray, during the poll; and do you not think it a very good reason for Mr. Fox to consider it as a partial arrangement to go so soon to a parish where Sir Cecil Wray was prepared so much in advance?

H. B. I was very ready to concede as far as possible to show my impartiality.

Have you not reason to believe that Sir Cecil Wray's friends expected a great part of Mr. Fox's majority would be reduced by the scrutiny in St. Margaret's and St. John's?

H. B. I have heard it asserted.

Under what authority would you conceive yourself entitled to act, if the order of this House was withdrawn?

H. B. If the authority of this House was withdrawn, I should conclude that I had no authority at all; but I might take time to consider of my return, and not make it instantly.

Lord Mulgrave and Mr. Fox rising together to ask a question, Lord *Mulgrave* said he would yield to a gentleman who was a party in the business. Lord Mulgrave.

Mr. *Fox* complained of this expression as very indecent, and which his Lordship was not warranted to make. That he was interested in the fate of the Westminster election was most true; but as a member of that House, he was not a party; nor was there any one rule or order of their proceedings which could justify his Lordship in making use of the term. Mr. Fox.

Lord *Mulgrave* said he had no intention of using the term invidiously. He thought it decent, in seeing the right honourable gentleman rise, who was interested in the business, to yield to him; and it was for that reason that he had not objected to the interruption which he gave the mover of the inquiry in his examination of the High Bailiff. Lord Mulgrave.

The Speaker put an end to the altercation, and recalled the High Bailiff to the bar.

Lord Mulgrave. Were any propositions made for shortening the proceedings; and, if any, what were they, and by whom?

H. B. There have been one or two papers delivered into the Court of Scrutiny by the agents of Sir Cecil Wray; but I cannot describe them. They were canvassed, but not agreed to.

Lord Palmerston. What was the authority under which you deemed yourself to be acting, when you granted the scrutiny to commence on a day subsequent to that on which your precept was made returnable?

H. B. Under the authority vested by law in every returning officer.

Do you conceive that every returning officer has it in his option to make a return or not, on the day when the writ is made returnable?

The Master of the Rolls. The *Master of the Rolls* (Sir Lloyd Kenyon) objected to the question. It was a matter of legal opinion; and whatever the High Bailiff of Westminster might think on the subject, was immaterial to the question.

Lord Palmerston. Lord *Palmerston* said, the answer of the Master of the Rolls satisfied him as much as the answer of the High Bailiff.

Mr. Jolliffe. From what you have seen, can you make a judgement of the length of time it would take to scrutinise the whole of the parishes?

H. B. If I am to judge of what is to be done from what is past, it is a matter of very easy computation. We have been near eight months in going through two parishes, which two contain about a fourth of the whole poll — assuming the same rate of dispatch, it will take about two years more to go through the whole.

Lord Mulgrave. If no unnecessary delay was introduced, would not the scrutiny be shortened?

H. B. The question answers itself. [He stated he had now got the papers formerly asked for: he produced them, and they were read at the table.]

If these papers were adopted, would they not, in your opinion, expedite the scrutiny?

H. B. I did not give them a due consideration; they were discussed by Counsel; but they were not consented to by Mr. Fox's Counsel.

Did their arguments convince you that they were improper to be adopted; or did you not think yourself at liberty to adopt them without their consent?

H. B. I did not think myself entitled to enforce them without their consent.

Colonel Fitzpatrick. Did Mr. Fox's Counsel object entirely to the propositions; or did they not object only to some

fome parts, by the alteration of which they imagined the bufinefs would be accelerated?

H. B. I do not recollect what paffed. They objected to a paper which I fubmitted; and I thought their objections had weight.

Have the delays been fuch as could be prevented by the powers of which you are poffeffed?

H. B. They have not.

Mr. Ellis. Is there any, and what expence incurred by either party?

H. B. Expence is undoubtedly incurred; but to what amount I know not. I have heard both fides declare, that they muft pay for witneffes; my affeffor has ten guineas every fitting day, and my two clerks half a guinea each; and this is paid by the agents of Sir Cecil Wray.

Mr. Gilbert. Do you think that if you had the difcretion, you could do juftice to the parties, by making a return in the prefent ftage of the fcrutiny, without proceeding to the other parifhes?

H. B. A very doubtful judgement muft be formed in the prefent ftage.

Could you fatisfy your own mind without going farther?

H. B. I am not fufficiently informed to pafs a judgement fatisfactory to myfelf.

Mr. Marfham. Do you think that your Court is calculated to do juftice to either party; having declared that you cannot compel the attendance of witneffes, nor adminifter an oath?

H. B. I think that juftice might be done by the parties bringing forth witneffes.

Are you fatisfied with the behaviour of the witneffes before the Court?

H. B. I have not always been fo.

Have you not, in your judicial capacity, been treated with complete contempt?

H. B. I have been fo.

Colonel Fitzpatrick. Have not witneffes been convicted of giving falfe teftimony?

H. B. They have been contradicted.

Was not a witnefs difmiffed the Court for that reafon by the Counfel on whofe party he was called?

H. B. There have been fome few inftances.

Mr. Henry Phipps. Have you received any money for your own ufe, as a reward or compenfation for your trouble and attendance?

H. B.

H. B. Not a shilling.

Mr. Sheridan. Have you not heard that few witnesses can be got to attend without being paid by the parties?

H. B. Yes.

Do you not believe that this money influences the testimony they give?

The Master of the Rolls

The *Master of the Rolls* objected to this question. All Courts suffered the payment of witnesses, as a compensation for their trouble, and they were not to be discredited merely on that account. It was true that the High Bailiff had not much authority; but he contended, that he had it in his power to punish witnesses if they behaved improperly. Every Court, however constituted, must have that power.

Mr Sheridan.

Mr. *Sheridan* said, he knew well that all Courts suffered a compensation to witnesses, but the case was materially different here, where there was not authority to compel attendance, nor to administer an oath.

Mr. Fox.

Mr. *Fox* argued in the same way. He said it was a pity the learned gentleman was not assessor, since he might have committed the witnesses who behaved ill; but the High Bailiff had not thought himself possessed of any such authority, and he had not attempted to exercise it. The payment of witnesses, not upon oath, was very different from the practice in the legal Courts, where, if they were detected in perjury, in prevarication, in contemptuous silence, or other misbehaviour, the Court could commit them.

The Master of the Rolls

The *Master of the Rolls* explained. That House, for instance, which called itself a judicial Court, exercised the power of punishment; and he thought that every assembly that called itself a Court might do so.

The High Bailiff was then called in, and in answer to the question, said, that he understood the payment they received was only in compensation for their time.

Mr. Sheridan. Would not the best means of procrastinating a scrutiny be to object on slight grounds to votes which might afterwards be proved good?

H. B. That would certainly be the means of procrastination.

Has that been the practice of Mr. Fox's counsel?

H. B. Their objections must in some instances have been slight, since they were over-ruled; but I have no imputation to throw on them.

From their failing in so few of their objections comparatively, can the imputation be justly attributed to them?

H. B.

H. B. I can ſpeak only to the fact. Mr. Fox's counſel diſqualified more of the votes they objected to than the other ſide.

Has any caſe occurred of a voter's being ſtruck off, who has afterwards been proved and acknowledged on all ſides to be a good one?

H. B. Yes, and others may be in a ſimilar predicament.

Mr. Mainwaring. If you had not been attended by Counſel, would not the ſcrutiny have proceeded faſter?

H. B. I doubt whether it would; for in that caſe the electors themſelves might have aſked queſtions, and entered into arguments.

Could you now proceed without Counſel, and do juſtice to the parties?

H. B. I believe juſtice might be done, but not more expeditiouſly.

Lord Surrey. On which ſide have witneſſes been diſmiſſed for improper teſtimonies?

H. B. On the ſide of Sir Cecil Wray, I think.

Mr. Burke. As it has been ſaid that every Court has the power of puniſhment, I aſk you, if you ſhould think it right to attach a witneſs for prevarication or contempt, what officer you have to take him into cuſtody?

H. B. I have no ſuch officer.

If you had ſuch an officer, do you know of any jailor who would accept and retain a witneſs on your warrant?

H. B. I do not know of any.

Do you not carry on the ſcrutiny under the authority of this Houſe?

H. B. Yes.

Do you know whether orders have been given to the Serjeant at Arms to attend your Court, and to ſupport you?

H. B. Not that I know of.

Mr. Fox. In the Court of Huſtings, during the poll, had you the authority of commitment?

H. B. I ſo much doubted it, that I ſhould not have exerted it.

Did you adminiſter an oath?

H. B. I did.

When did you conceive your power to do ſo to ceaſe?

H. B. At the concluſion of the poll.

Do you conceive the ſcrutiny to be a continuation of the poll?

H. B

H. B. It is a legal queſtion. I have my doubts.—I think it an adjournment of the Court of Huſtings.

Mr. Dundas. At the poll did you examine witneſſes on oath? or could you compel them to give evidence?

H. B. No.

Mr. Adam. Can you compel men to produce deeds neceſſary to evidence?

H. B. No.

Lord Mahon. Might not time be ſaved by not ſuffering the Counſel to argue caſes, but when you, or your aſſeſſor, thought fit to call for it?

H. B. I believe it might ſave time.

Has Sir Cecil Wray attended himſelf, and did he appear to be a perſon intereſted in the event?

H. B. He has not attended of late. He came in the beginning, and ſeemed as zealous as any gentleman could be in ſimilar circumſtances.

Sir Herbert Mackworth. Would you think yourſelf authoriſed, in the future progreſs of the ſcrutiny, to make a return without the directions of this Houſe?

H. B. I would not.

Lord Surrey. Do you expect any reward either for yourſelf or family?

H. B. None.

Lord North. Do you ſummon every voter, whoſe vote is queſtioned, to attend, or do you diſqualify him in his abſence?

H. B. I do not ſummon them; and many have been diſqualified in their abſence.

Mr. Fox then queſtioned the High Bailiff about the reaſon of Mr. Hargrave's retirement, which the High Bailiff ſaid was owing to his wiſh to be ſpared from a part of his attendance, and to this he adhered. Several other queſtions were aſked, but they were moſtly repetitions of what we have recited.

Mr Pelham. Mr. *Pelham* moved, that the long evidence of the High Bailiff, as taken down by the clerk, be now read to him, that he might have an opportunity of ſupplying any omiſſions, rectifying his errors, and removing any appearance of contradiction.

Mr. W. Ellis ſeconded the motion.

Lord Mulgrave. Lord *Mulgrave* oppoſed the motion, on the ground, that whatever appearance of candour it might bear, it could only ſerve to introduce a delay on the preſent occaſion. The anſwers

swers of the High Bailiff had been each distinctly read to him, and even repeated, if requisite, which certainly precluded the necessity of the present motion.

After some debate on its propriety, the Speaker delivered his opinion, that though some instances occurred when the examination had been read, it was only when any confusion had arisen, when any doubt was suggested, whether the clerk had taken it down strictly; or lastly, whether the person himself, who was examined, expressed a particular desire that it should be repeated.

It was at length agreed, that the High Bailiff should be called in, and asked, whether he had any thing farther to communicate to the House, or any remark to make on what he had offered.

The High Bailiff being called in, to both these questions answered in the negative.

Francis Hargrave, Esq. called in.

Mr. Fox. Let Mr. Hargrave be asked how long he has been assessor to the High Bailiff.

Mr. H. From the latter end of May to the 12th of January, at which time I entertained some objections to a farther continuance.

Did you declare those objections?

Mr. H. Yes, to the High Bailiff, to whom I left the task of communicating them.

Were not the Counsel of Mr. Fox, in consideration of the very honourable manner in which you had acted, very earnest in their wishes for your farther continuance?

Mr. H. I at first thought that both parties entertained such wishes, and therefore hesitated some time on the practicability of my continuance; but I soon had reason to believe that it would not be agreeable to more than one; and a paper published by the Committee of Sir Cecil Wray and Lord Hood, which evidently pointed at me, determined me against remaining longer.

Did not Messrs. Rous and Morgan refuse, on being pressed by Mr. Fox's Counsel and agents, to join in the general desire for that purpose?

Mr. H. I understood that Mr. Rous had received no instructions for that purpose.

Did Mr. Rous's silence proceed from a proposal made at this time, that the High Bailiff's assessor should not attend more than an hour and a half each day?

Mr. H. I do not believe that was aſſigned as a reaſon.

Mr. H. explained himſelf, that though this propoſal was caſually mentioned, he, on reflection, ſaw, that this attendance would be inſufficient, and that the buſineſs muſt therefore be done imperfectly and inaccurately. That had he found it the wiſh of both parties, after this, that he ſhould continue his attendance, he would have extended it to the uſual time.

Lord Mahon. Did Mr. Fox's Counſel agree to this ſtrange propoſal, that the aſſeſſor ſhould attend but an hour and a half, or even two hours each day?

Mr. H. Their wiſhes for my continuance ſeemed to incline them to diſpenſe with it for a few weeks.

Did Mr. Fox's Counſel ſuppoſe that the ſcrutiny proceeded too faſt when the aſſeſſor attended five hours each day, and wiſh to reduce it to two?

Mr. H. No perſon can well ſuppoſe, that they could act from ſuch a reaſon, or expreſs themſelves in ſuch a manner.

Lord Mahon deſired the reſolutions of the Committee of Lord Hood and Sir Cecil Wray to be read, and then aſked Mr. H. what part of the paper had excited his diſguſt, and occaſioned him to retire?

Mr. H. ſaid, he felt himſelf affected by the alluſion to a propoſal caſually made and harſhly turned; by the ſuggeſtion that the proceedings ſhould go on even if the Counſel for the High Bailiff was abſent, which his avocations occaſionally compelled him to be; by the propoſal to extend the hour at the particular time when he complained of the inconvenience; and laſtly, that he felt himſelf ſtruck very much by their demanding that an opinion ſhould be given on every caſe, however doubtful or intricate, on the very next morning after hearing the evidence.

Mr. Fox. Would you have continued at the requiſition of both parties on this occaſion?

Mr. H. If both parties had agreed, I would moſt certainly have made the experiment for ſome time, whether my continuance would have been practicable or convenient.

And on what motives would you have made the effort?

Mr. H. Merely becauſe I had undertaken the taſk, I would have endeavoured to accelerate its completion, though I had not conſtitution either of body or mind equal to the fatigue. I had formed improper ideas at the beginning, and by no means thought it would have proved ſo tedious.

Mr.

Mr. Grenville. Why did you mention the propofal of attending but two hours each day ?

Mr. H. I did intend, until fo urged, to give no more than that, or rather indeed to retire; but when thus preffed, and that reflection informed me it would be infufficient, I was determined, if both parties were agreed, to make every facrifice rather than leave the bufinefs undetermined.

[A number of queftions were here afked by gentlemen on both fides of the Houfe, which only tended to prove that Mr. Hargrave having retired from the office of affeffor, was folely caufed by the Counfel, Committee, and Agents of Lord Hood and Sir Cecil Wray.]

Mr. Fox. Have your obfervations in the courfe of this bufinefs tended to inform you that Mr. Fox's Counfel evinced any particular difpofition to procraftination or delay ?

Mr. H. I obferved no other conduct in this particular, than what might be expected from the adverfe and hoftile difpofitions which prevailed on both fides; nor could I obferve any confiderable difference in this refpect between the Counfel of Mr. Fox and thofe of Sir Cecil Wray.

As an oath could not be adminiftered, were not the long crofs-examinations which took place fometimes effentially requifite, and often of decided utility in bringing forward the truth ?

Mr. H. They have often enabled me to decide with greater clearnefs and precifion than I could otherwife have done.

Did not you agree in opinion with Mr. Fox's Counfel, that the plan propofed by Sir Cecil's Committee would not tend to accelerate the bufinefs ?

Mr. H. Such were my private fentiments, though I did not openly declare them. I thought it would prove entirely ineffectual, and was forry that a better was not offered, or did not occur to me at the time.

How long do you imagine, the fcrutiny may laft, at the prefent rate of difpatch ?

Mr. H. I have not attempted a calculation, but fuppofe that in the prefent mode it can be completed in lefs than a year.

Lord Palmerfton. As there is but one-fourth of the fcrutiny complete, which has taken eight months, and as we are informed by the High Bailiff that Sir Cecil Wray intends to attack a greater number of votes proportionably in the parifhes of St. Margaret and St. John than in thofe that have been already fcrutinifed, what authority have you for limit-

ing its duration to a year? should you not rather have said two?

Mr. H. When I mentioned a year, I merely spoke unlimitedly of what I had not calculated, and meant rather an indefinite time than a precise period.

Lord Mahon. Do you not think that a mode of proceeding may be devised which may essentially tend to shorten the scrutiny?

Mr. H. It would be rash in me to say there may not; I can say that none such has occurred to me. Whilst the parties are to fight every step with such determined hostility, as they become gradually tired of the business, it will be insensibly abbreviated.

Did you not in the course of this proceeding suffer matters to be argued by Counsel, on which, previous to the argument, you had fully made up your mind?

Mr. H. As I represented the High Bailiff, my office was therefore judicial, and in such a situation I could not think it becoming to determine until I had heard the arguments of Counsel.

Did you not often delay your opinion, or reserve cases, until very long after the evidence had been heard?

Mr. H. I certainly did; but no delay of the proceedings followed from that arrear of judgement: had they been before a Committee of the House of Commons, no one vote would have been decided until the evidence on all had been closed; and from the length of the examinations, and prevarication of witnesses, there arose doubts and difficulties sufficient to justify such delay.

Mr. H. was then asked a variety of questions concerning the number of votes polled in the entire, objected to, and disqualified by each party; which, as they only tended to confirm the opinion of the High Bailiff, we shall not here repeat. Mr. H. however admitted, in the course of this interrogatory, that very few of the late objections of Sir C. Wray had been substantiated by evidence; and also confessed that the Court of Scrutiny was incompetent to the task of justice, as not being furnished with judicial authority even to administer an oath; or with compulsory power to enforce the attendance of witnesses, &c.

About eleven o'clock Mr. Hargrave was ordered to withdraw, and Arthur Murphy, Esq. was called in.

Mr. Murphy underwent an examination of as long continuance as that of Mr. Hargrave. The questions put to Mr.

Mr. Murphy were, respecting the tedioufnefs of the fcrutiny, and the caufe of it; whether he could fuggeft a better mode of conducting it; what, in his opinion, would tend to fhorten the proceeding; how foon he thought it likely to be terminated under its prefent mode of conduct; and to feveral facts that had occurred fince he had acted as the High Bailiff's affeffor.

Mr. Murphy imputed the tedioufnefs and delay to the arguments and fpeeches of Counfel, declaring that each vote was tried with as much form and prolixity as a caufe before Lord Mansfield in Weftminfter Hall; that the Counfel claimed a right, in fome cafes, to make five fpeeches upon one vote; and that he conceived the fewer fpeeches the better for the difpatch of a fcrutiny. In anfwer to whether he knew of any better mode, or had advifed any, he faid, he would not advife the High Bailiff to make an innovation in his mode of proceeding in the parifh in which he had begun and carried on the fcrutiny in its prefent way; nor would he be the man to advife any alteration that fhould not meet with the confent of both parties. With regard to whether he knew of a better mode, he had turned his mind to the practice of the Committees of that Houfe, as a model more fit for adoption in the conduct of a fcrutiny, than the mode now in practice. On this idea he was clofely pufhed by the interrogatories of Mr. Fox, who, at laft, not receiving the fort of anfwer he expected, in preface to another queftion he was about to propofe, complained of not being able to obtain a plain anfwer to a plain queftion,—this drew up

Lord Mulgrave. Lord *Mulgrave*, who defired Mr. Murphy might withdraw, and faid it was very extraordinary that the right honourable gentleman, who had lately given a lecture upon decency, fhould himfelf be fo bad an example in practice, of that which he had fo highly praifed and recommended in theory. The Houfe had juft heard the right honourable gentleman groffly maltreat a witnefs, fummoned to the bar at the right honourable gentleman's own peculiar inftance A man of character, a man of learning, and of acknowledged abilities, a man eminent in his profeffion, and diftinguifhed by his rank in life! Let the right honourable gentleman recollect, that thofe feelings which he himfelf poffeffed were likewife poffeffed by every other perfon who was intitled to be regarded as a gentleman and a man of honour. In that point of view he confidered Mr. Murphy, whofe feelings ought not to have been infulted while he ftood at the bar, honeftly and fairly giving

giving his evidence, and in a ſituation that intitled him to the protection of the Houſe. To the Houſe, therefore, his Lordſhip ſaid, he appealed, not doubting that they would prevent the right honourable gentleman from again purſuing a conduct not more irregular and diſorderly, conſidered in a parliamentary light, than uncandid and harſh conſidered in a different view.

The hon. C.Marſham. The honourable *Charles Marſham* deſired to be heard a few words; the preſent, he ſaid, was a queſtion, of all others, which ſhould be diſcuſſed with the greateſt coolneſs, and the greateſt temper: he was ſorry, therefore, to ſee any thing like heat ariſe in any quarter of the Houſe; but if an imprudent degree of animated expreſſion was pardonable in any gentleman on any occaſion, it ſurely was pardonable in the right honourable gentleman, who, by a few words, he believed uttered without any deſign to give offence, had afforded the noble Lord occaſion to reprehend his conduct in terms ſo extremely ſevere, let the Houſe candidly advert to the very nice and peculiar ſituation in which the right honourable gentleman ſtood with regard to the important inquiry of that day, and he was perſuaded there was not an individual in it who would not be ready to admit that great allowances ought to be made for a gentleman ſo circumſtanced. Beſides, to what end take notice of what, when noticed, could not but tend to call forth arguments that unavoidably muſt tend to increaſe the ill temper that had been diſcovered, and inflame the Houſe, when it ought moſt ſtudiouſly to endeavour to keep itſelf cool, to weigh the buſineſs before it ſoberly and candidly, in order that it might be able to decide upon it with wiſdom and with juſtice. Let it be remembered alſo, that, in the examination of Mr. Hargrave, a gentleman as high in his profeſſional and in his private character as any man in the kingdom, he had ſaid ſomething that had, from ſome quarter of the Houſe or another, excited a laugh. That laugh Mr. Hargrave obſerved, and it was evident it had ſhocked his feelings, from his having immediately apologiſed for what he had before ſaid. Of that no notice had been taken; and, in taking no notice, Mr. Marſham declared, he thought the Houſe had acted wiſely: he only wiſhed they had done the ſame now; for certainly Mr. Hargrave was not leſs in the protection of the Houſe than Mr. Murphy; not that he meant to inſinuate any thing diſreſpectful of the latter gentleman. He had a high opinion of his abilities, and an opinion equally good of his character;

racter; but he really wished the House would preserve its temper; and whenever gentlemen felt their feelings rising, he hoped they would endeavour to restrain them, as he was sure it was much wiser to proceed calmly, and without heat and ill humour.

Mr. *Fox* thanked his honourable friend for the footing upon which he had put the matter; but he could not help thinking the noble Lord had conceived his words to be more uncivil than they really were. What he had said was a truth, and a truth of which he could not avoid complaining; namely, "that he could not obtain a plain answer to a plain "question." The point at which he had been aiming to obtain a direct answer from Mr. Murphy, was of infinite importance to him, and to the immediate subject in consideration. He had put the question two or three different ways, and Mr. Murphy appeared to him not to be willing to give a direct answer. By not willing, he did not mean not willing from any sinister or bad motive, but not willing, as any gentleman might fairly be under the same circumstances, from not having had time to make up his mind upon the subject, from having been so recently become acquainted with it, and from a thousand other reasons that might fairly, and without rendering him liable to any blame whatever, be allowed to operate in any man's mind. With regard to the noble Lord's interruption of him, the noble Lord might take upon him the office of his censor if he thought proper; there was no man's censure he less dreaded, or less felt; but the noble Lord should not oblige him to retract one syllable of what he had said, or change his expression in the smallest degree. His words were, "that he could not obtain a plain "answer to a plain question;" these words were grounded on an incontrovertible fact, that no argument could deny or disprove. Having said this very pointedly, Mr. Fox's warmth led him into a most animated series of exclamations against the scandalous and shameful conduct of those, who, while they were talking of purifying the Constitution by a reform in the representation of the People, had instituted that disgrace to all concerned in its institution, the Westminster scrutiny; of the impracticability, of the tediousness, of the expence of which the House had heard such ample and incontrovertible testimonies that day! An institution which had as effectually deprived the City of Westminster of its right to a representation in that House, as if it had been formally disfranchised for bribery, for corrupt practices, or any

Mr. Fox.

any one of the various causes for which boroughs had ever been disfranchised. By the scrutiny, it was now evident that House, the guardian of the Constitution, the protector of the rights of election, had turned the dearest interests of the City of Westminster out of its own doors, and trusted them to the keeping of a Court, without powers of the most ordinary nature, without the means to afford them the smallest degree of protection. It was evident also, that either he or his competitor, if they chose it, had it in their power, by delays which would not be sufficient to justify a complaint from the High Bailiff to that House, to keep Westminster without representatives for four sessions of a Parliament out of seven!—Having dwelt for some time, and stated the various means of accomplishing this, Mr. Fox returned to what he had before said of Lord Mulgrave, defying him to move a censure upon his words, and declaring, that no power on earth should make him retract a syllable. He said, he would make no apology for the warmth with which he had expressed himself; he should be a wretch, a mean, miserable, and abject wretch, worthy only of the abhorrence and detestation of mankind, if, circumstanced as he was, he could restrain from warmth, and curb those feelings which were the characteristics of a man, and which those who did not possess, neither could be capable of any great and good actions for their country, or of any thing worthy of the name of man. With regard to Mr. Murphy, he declared he had meant no personal offence to him in what he had said. He had no enmity whatever to Mr. Murphy; on the contrary, he had always thought extremely well of him; he had always considered him as a man who felt for him in a friendly way, and so considering him, he had ever entertained a friendly feeling for Mr. Murphy; nothing, indeed, could induce him to regard Mr. Murphy with an adverse eye, or make him harbour a thought of the possibility of his being capable of acting otherwise than with the strictest uprightness; but the circumstance of his having been appointed to fill that post which had been so ably and so honourably filled by Mr. Hargrave, a gentleman of the highest character and the most known honour, of the first degree of learning, and who, in knowledge in the laws of this country, was surpassed by no one of His Majesty's law officers—to see such a man removed from the office of assessor, and in such a manner as the House had heard stated, might, for a moment, make him jealous of his successor, for whom, ab-

ſtracted from this conſideration, he entertained much eſteem and much regard; but no private conſideration whatever ſhould prevent his ſpeaking the truth; and, therefore, though he meant to drop his intended queſtion, he would repeat what had been before ſaid by him, viz. "that he "could not obtain a plain anſwer to a plain queſtion."

The right honourable *Henry Dundas* roſe, and ſaid, if ever there was occaſion for any man to ſtand up in defence of the dignity and honour of the Houſe, it was then. Who could feel the leaſt regard for the ſolemnity of their proceedings, for the juſtice of the Houſe, for their character, and for their honour, and ſit ſtill and ſee ſuch irregularities practiced? What had the right honourable gentleman been doing in a ſpeech delivered with a warmth which he had boaſted of, and for which he claimed a merit, but taken occaſion thus prematurely, and before the examination of witneſſes was finiſhed, before even there was a queſtion before them, to go into a variety of remarks on the evidence, unfiniſhed as it was, and into the merits of the main queſtion. He adviſed the right honourable gentleman to reſerve his fire for the day of its diſcharge, and appealed even to his own candour, whether it would not be more conſiſtent with his manly character to preſerve a different line of conduct? Mr. Dundas ſaid he would not be ſo irregular as to follow the right honourable gentleman in any part of his various animadverſions on the ſcrutiny, and its inconveniencies, grievouſly as thoſe inconveniencies might have preſſed on the right honourable gentleman. It might, at a proper time, poſſibly become a queſtion, whether the advantages gained by ordering a ſcrutiny outweighed the diſadvantages that attended it. That would be a queſtion that might fairly be conſidered and diſcuſſed; but let gentlemen have the goodneſs to wait till the time of diſcuſſing it arrived, and not bring it into debate before it was ripe for their conſideration. Mr. Dundas concluded with moving, "That Mr. Murphy be again called in."

The right honourable H. Dundas.

Mr. Murphy, as ſoon as he came to the bar, declared he ſhould feel himſelf extremely unhappy if he had given offence to any member of that Houſe, moſt eſpecially to the right honourable gentleman who had put the queſtion; extremely ſorry ſhould he be alſo, if any honourable gentleman ſhould think him unwilling to anſwer any queſtion whatever; he was extremely willing to anſwer all that ſhould be put to him in the plaineſt and readieſt manner poſſible. After

this

this apology, Mr. Murphy's examination continued, till at length

Lord Beauchamp. *Lord Beauchamp* put a question relative to Mr. Murphy's opinion whether the object of the scrutiny would not have been more effectually and speedily obtained, had the whole case of the Westminster election been referred to a Committee of that House.

Lord Mulgrave. This called up Lord *Mulgrave*, who complained of the question as one wholly unprecedented, and at the same time disrespectful to the House. His Lordship argued, that it was appealing to a witness to know his opinion what that House would do in any cause submitted to their adjudication. This he thought a most extraordinary proceeding.

Lord Beauchamp. Lord *Beauchamp* defended his question as perfectly regular, and apposite to the subject of inquiry. In the course of his speech his Lordship animadverted upon the disgrace that House had already brought upon itself in the eyes of the whole kingdom, by ordering a Court of Inquiry so nugatory, inefficacious, absurd, and vexatious as the High Bailiff's Court of Scrutiny; and he pursued this idea by declaring, that nothing could add to the disgrace and manifest injustice of the proceeding, but for the House to go a step farther, and order the scrutiny, proved so plainly and palpably to be of no use whatever but to create delay, expence, and to aggravate the irreparable injury done to the Constitution in the instance of the past year, still to be continued.

Mr. Dundas His Lordship was interrupted by Mr. *Dundas*, who spoke to order, and reprobated the noble Lord's argument as irregular and inflammatory. Mr. Dundas stated, that the noble Lord had put a question, in his mind, by no means fit to be put; but to the question he meant not to object, as he would rather suffer an irrelevant question to be put, than countenance a worse and more mischievous irregularity, viz. the prematurely debating upon great and important matters not yet before the House in any shape whatever.

Lord Beauchamp. Lord *Beauchamp* supported his question, and maintained that he had a right to say the few words he had offered in justification of his conduct in having proposed the question.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* said, he felt it necessary to apologise for not having risen before; but he felt as his learned friend had felt, and though he hoped it would not be established into a precedent, declared he should not object to the question proposed by the noble Lord, notwithstanding that he thought it a very improper one, merely because he wished to prevent the greater evil, and thus by partial and interlocutory debates

artfully introduced in the course of an inquiry, that by no means rendered such interlocutory debates necessary, or at all justified them, suffering topics to be discussed irregularly and prematurely. When the day arrived to agitate the questions to which the noble Lord had alluded, he should be ready to state the grounds upon which he should give his vote, and his wish was, that the questions might be fully and fairly gone into; but in the mean time, neither the eloquent invective of the noble Lord on the one hand, nor the harsh and ill-justified reflections of angry and disappointed men on the other, should draw him aside from his duty, or betray him into irregularity and disorder.

Lord *North* said, he had taken no part in any of the interlocutory debates of the day; he begged leave, therefore, to say a few words. The question of his noble friend, so far from its having been improper or irrelevant, appeared to him to be peculiarly applicable to the subject, and peculiarly fit to be answered. He was sure he ought to approve of it, for he had it at the tip of his tongue fifty times in the course of Mr. Murphy's examination. When they had heard of that gentleman's idea, that something nearer to a Committee of that House was more fit for the object than the scrutiny as it stood now, what could be more applicable and fair than a direct question, whether Mr. Murphy, from the experience he had lately had, was of opinion that the whole business of the scrutiny would have been more speedily and more effectually decided by a Committee of that House, than by the High Bailiff's Court. With regard to the interlocutory debates which the right honourable gentleman had complained of, it was a little extraordinary that he, of all men, should be the first to find fault with them, since every one of them, that day, had been begun by one or other of the right honourable gentleman's friends who sat near him. Lord North took notice also of what Mr. Pitt had said of eloquent invective, remarking, that the right honourable gentleman was certainly the best entitled of any member of that House to complain of eloquent invective, since they all knew that he never dwelt in eloquent invective, and that it was studiously avoided by him on all occasions. Ld. North.

Mr. *Fox* also justified Lord Beauchamp's question, as well as his argument in support of it. He ridiculed the overstrained candour of the Minister in declaring that he should not oppose a question which he affected to disapprove, and said, he was glad to see some shame testified by those, whose conduct ought to excite their blushes unceasingly. He imputed Mr. Fox.

puted the reluctance that had been shewn that such a question should be put to the witness, from their sense of the disgrace of having their own assessor, Mr. Murphy, asked, in the face of the House, whether he was not of opinion that the Westminster election should have been referred to a Committee of that House; a point he and many others had so strenuously contended for last year. He pushed this idea a considerable way, and it naturally led him to mention, at length, the situation of Westminster, which he painted in colours of the warmest and most glowing kind. He charged those who had countenanced the scrutiny with having defrauded him of his seat, and defrauded the City of Westminster of its rights of representation; but what was of infinitely greater consequence, was the wound they had thus given the Constitution. He said, for a great and powerful Minister to stand up in his place, and talk of purifying the Constitution, while the wound he had himself given it was unhealed, was the most miserable farce that ever had been attempted to be played off for the deception of a deluded People. He declared, however men had ever differed upon other points, however they were misled by the rage of the times, and felt more hostile to him and his friends than they merited, the unanimous opinion out of that House was, that the scrutiny was the most shameful and the most dangerous effort of power that had ever been practised. He described its various absurdities, and defied the right honourable gentleman to defend it. He also charged him with having accused others of eloquent invective, in the face of those who well knew invective was his forte. He touched upon all the topics connected in any sort with the personal conduct of the Minister since his accession to his present elevated situation, and said, that in no part of his conduct had he manifested more contempt for the privileges of Parliament, or the rights of the People, than in his obstinate perseverance in this shameful proceeding.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* treated Mr. Fox's long speech (for so he called it) as a shallow artifice to betray him into a debate upon topics, which he had already said he would meet and debate on, when the proper day for discussing them came, but which he declared nothing should induce him to anticipate. Till that day the right honourable gentleman might enjoy the childish triumph of having it imagined that he dared not meet the defiance the honourable gentleman had thrown out, and accept the challenge he had given. He reminded the honourable gentleman, however, that although he might have shewn himself too rash and presumptuous in

coping with him, he had never been remarkable for shrinking too much from any challenge he had thrown out, or for avoiding in any the smallest degree every opportunity of a competition with him. Thus much he thought it necessary to say before gentlemen laid their heads on their pillows, lest a momentary impression should remain on their minds that the right honourable gentleman had asserted any thing that he would not at the proper time meet and controvert. He said, he would add no more for the present, but content himself with moving that Mr. Murphy be once more called in.

Mr. Murphy was interrogated for a short time longer, when the principal answer he gave was, That, in his opinion, the cause of the Westminster election would have been better placed in the hands of a Committee of the House of Commons than in the hands of the High Bailiff of Westminster.

Mr. Murphy's examination, after his answer to that question, being at length ended,

Mr. Chancellor *Pitt* said, as it was so late an hour, he would move to adjourn to that day only, as he wished the subject to be discussed while the evidence they had just heard was fresh in the minds of the House. Mr. Chancellor Pitt.

Mr. *Fox* said, he had thought Thursday would have pleased those better who were not so well accustomed to late hours as he was, but he had no personal wish on the occasion. Mr. Fox.

The House accordingly adjourned at three in the morning.

February 9.

Mr. *Burke* said, that on the subject of Sir Elijah Impey's return to India, he must call for some information. He prefaced his motions with some animadversions on the inconsistency of Mr. Dundas in India affairs, and stated, that the papers he wished to be laid before the House were, 1. The plan of the Supreme Court of Judicature in Bengal. 2. The printed trials of Nundcomar and Mr. Bolts. 3. The correspondence between the Supreme Court of Judicature and the Court of Directors. He concluded with moving for the first paper. Mr. Burke.

Mr. *Dundas* said, he could not perceive the use of the papers moved for. He declared himself to be perfectly free from any share in the resolutions passed against Sir Elijah Impey. Mr. Dundas.

Mr. Burke replied, and after a short conversation, the motion was put aside by the order of the day.

The order of the day was for the House to resume the consideration of the Westminster scrutiny.

The

The Right Hon. Wilbore Ellis

The Right Honourable *Welbore Ellis* rose and remarked, that having first taken up the important business which was now under the consideration of the House, he thought it incumbent on him to explain the purpose for which his original motion was intended, and the motives on which the motion he now intended to submit to them was founded. He then proceeded to relate the progress of the Westminster scrutiny, and went through the leading points of the depositions given by the High Bailiff and his assessors at the bar of the House. He dwelt on the circumstance of the High Bailiff, considering himself to act under the authority of the House, which being removed, he could have no other to proceed under. On the face of this single declaration, there appeared sufficient proof of the illegality of the system in general, and the absurdity and manifest impropriety of that sanction under which he was authorised to continue so execrated a conduct. If he confessed, that by removing the authority of Parliament, he had now no other to proceed upon, need there any arguments to prove, that appointing a time for the scrutiny, in the very day when the term of his writ expired, was an act beyond the extent of authority, as being beyond the date of his precept. In granting the request of a scrutiny, according to the doctrines generally held out, he was perhaps justifiable, as his power did not expire till the expiration of the date of his precept, but appointing the proceedings of the scrutiny for a time long after the date of his precept, was overleaping not only the powers granted to a returning officer, but exceeding any power our Constitution would suffer to be vested in any individual; it was the doctrine as well of the statutes as of the common law of this country, as well as the intention manifest, *prima facie*, on the writ itself, that the Parliament shall not only meet on a certain day, but shall also be full, which after gave rise to the arrest and punishment of members who neglected the duty of attendance, and the forms of election were particularly adapted with a view to this grand object. Was the city of Westminster alone then to be the melancholy exemption? Was it reserved for that city to experience the delay of a scrutiny, which not only extended beyond the time appointed for the meeting of Parliament, but was, according to the best evidence given on the occasion, likely to continue for two years to come? If this was like any thing in the spirit of the British Constitution, or any thing like the usual course of elections, he knew nothing to which it would not assimilate. In the ancient

meetings

meetings of Parliament, when the session lasted generally no more than six weeks, how would such a measure as this be treated? and would it not effectually destroy every purpose of representation? Should then these principles, that spirit and that Constitution transmitted from the most distant period of our history, be destroyed without even the pretext of a statute to give it sanction! From the description given by the High Bailiff himself of the imbecility of his Court, what could be more vain, impotent, and inadequate? He did not expect, till within these two days, that there was any person in the House who could have any other opinion of it. He expected, that sensible of having done wrong, they would chearfully set about correcting their misconduct, and not by an obstinate perseverance continue those abuses, of which there were such loud and such general complaint. There was scarce a man out of the House who did not condemn and reprobate the measure: for were the High Bailiff to proceed upon this scrutiny till it was entirely concluded, was he not yet liable to the same errors as on taking the poll? having no authority to enforce the attendance of witnesses, or punish such as were detected in prevarication or falsehood. Nothing could invite every man more forcibly to become a convert to Mr. Grenville's bill, as the absurdities of this preposterous measure, than which any other alternative must be agreeable and advantageous. Of this, the testimony of one of the persons principally concerned (Mr. Murphy) in the conduct of the scrutiny, was sufficient confirmation, for he thought that notwithstanding the plans offered for expediting the business, the best mode in which the subject could be decided, was by a Committee of the House of Commons. Considering, then, the illegality as well as the impolicy of the scrutiny, the impracticability of bringing the business to a final issue, in any moderate time, the heavy expence with which it was attended to the parties, the just and severe complaints of an injured city, and according sentiments of the nation at large, added to the insufficiency of the miserable Court to which it was referred, he would conclude by moving, "That it appearing "to this House, That Thomas Corbett, Esq. High Bailiff "for the city of Westminster, having received a precept "from the Sheriffs of Middlesex for electing two citizens to "serve in Parliament for the said city, and having taken and "finally closed the poll on the 17th day of May last, being "the day next before the day of the return of the said writ, "be now directed forthwith to make a return of his precept "of members chosen in pursuance of it."

The

The Right Hon. T Pelham.

The Honourable *Thomas Pelham* confidered himfelf obliged, though unaccuftomed to fpeak on fuch important occafions, to mention fome of thofe reafons which induced him to give his entire affent to the motion now made. On a decifion, in which the feveral interefts of the country, and the very exiftence of the Conftitution, were involved, he would not content himfelf with giving a filent vote. From the earlieft ftage of this bufinefs, he regarded it in an unconftitutional light, and every fubfequent proceeding went only to confirm his opinion; when the higheft fpirit of party reigned, and in the moft violent rage of faction in this country, there was never found, antecedent to this, any inftance of an officer bold enough to omit that return which the terms of his writ demanded. It was an invariable rule, and a rule founded on duty, for fheriffs to make return of fuch members, as at the clofe of the poll poffeffed the greateft number of fuffrages. For the majority on their books alone was the criterion by which they were to judge of the members who fhould be returned. And any paltry diftinction between a Sheriff and a High Bailiff, in this refpect, he fhould treat with contempt, being equally returning officers, and their duties the fame. Were this fcrutinizing fyftem to be drawn into precedent, a confequence much to be apprehended, and their force carefully guarded againft, it would be in the power of a Minifter to decide how many members fhould appear in Parliament. He concluded, by apologizing to the Houfe, for taking up fo much of their attention, faying, he was totally incapable of doing juftice to his own feelings, and lefs to the fubject on which he fpoke, but felt fo ftrong a conviction of the folly of this meafure, that he could not fupprefs the remarks which then fuggefted themfelves.

Lord Mulgrave.

Lord *Mulgrave* confeffed, that he had great refpect for the integrity and prudence of his honourable friend who had fpoken laft. Although they differed fometimes in political principles, he prefumed he might, notwithftanding, confider him as his friend but with all deference to the opinions of thofe gentlemen who had preceded him, he muft beg leave to diffent from the general pofitions which they had advanced. They had reprobated the conduct of the High Bailiff as highly injudicious. For his part, he fhould like to abide by the law of the land. There was no law which ftrictly enjoined the High Bailiff to make a return immediately on the meeting of a new Parliament. It had always been an eftablifhed maxim, founded in juftice and equity, that on a demand of any party for a fcrutiny, the returning officer fhould fatisfy his own

confcience,

conscience, and either grant or reject a scrutiny, according as he thought he was led by the tenor of his oath. Gentlemen talked much of common law, and made a comparison on that ground; but he hoped they would listen to common sense. The High Bailiff was not free, according to the injunctions of his oath, to make a return. A scrutiny having been demanded by one of the candidates, it was, therefore, agreeably to custom, commenced; and he was convinced there was no law which could make his conduct culpable. Formerly in law Parliaments, when a member was not returned, his seat was declared vacant, and a new writ issued; but that had no analogy to the present parliamentary regulations. To say that the High Bailiff should act contrary to the dictates of his conscience, was the most uncandid and preposterous doctrine that could possibly be advanced. Justice ought to be done, but the High Bailiff must attend to the tenor of his oath; and this, in his opinion, was an exact discrimination of the High Bailiff's conduct, and the preposterous doctrine advanced by the honourable gentleman. In early times, the attendance of Parliament was not considered as a pecuniary benefit, but as a burden on those who were delegated; but from the apparent conduct of some gentlemen, the times were considerably altered. We are told by some, that the grievance—he meant the neglect of making a return on the appointed day—ought to be remedied; but he wished gentlemen would recollect, that last year there had passed some statutes to correct the imperfection complained of. He called the attention of the House to the case of the Middlesex election, as bearing an affinity to the subject now under discussion. Some gentlemen had expatiated, at considerable length, on Mr. Grenville's bill. He had a great respect for Mr. Grenville's bill; but he was of opinion, that there were imperfections in that excellent law, as well as most other acts of Parliament. He remembered very well the time when Mr. Grenville's bill was brought into Parliament. It received a violent opposition from the Administration of the day; but he, as well as many more, had the happiness of seeing it pass into a law, notwithstanding every manœuvre to the contrary. Gentlemen on the other side of the House should recollect the lines which were applied at that time:

"O save it from its treacherous friends,—
"It cannot fear its foes."

He adverted to the words used by a right honourable gentleman a few days ago, concerning a subject in dispute—"to persecute and drive out every person who opposed him," and applied the sentence as sufficiently descriptive of the conduct of Opposition. Perhaps, some gentlemen, when talking of Mr. Grenville's bill, may say, "I admire it as a pure system—I am firmly attached to it—I consider it as my own child." From any maxims founded in truth and constitutional principles he could never dissent. But those gentlemen, in other respects, acted with great disparity. "Don't (say they) let us have the new-fangled systems of George the Third's reign, but the bold and stubborn maxim adopted in the days of the Revolution." They acted with great consistency—*nemo promittere divum*. One of their chief reasons for criminating the High Bailiff was, that his authority was not sufficient to enforce an obedience to his orders, through the medium of the proper officers—he supposed constables. When they were about to commence the scrutiny, those who wished to act uncandidly, although they professed otherwise, said, "Let us begin in that parish where you are strongest," and then, to shew their tergiversation, they observed, "No! let us begin at another place; you are prepared there; we will meet you on other grounds." But had any liberal-minded man been consulted on the occasion, he would have remarked, "Come, let us go thither; we will meet you wherever you please, as we are conscious of the justice of our cause." He then animadverted on the conduct of Mr. Hargrave; he bestowed many compliments on that gentleman, as possessing great abilities, which qualified him for any station; but with all his talents, he could not enforce order in the Court, nor stop the course of popular clamour. The evidence, in his opinion, had been illiberally treated. Mr. Murphy had not been handsomely dealt with, as his evidence had been misrepresented. A scrutiny, according to the established custom, had been demanded by one of the parties. The High Bailiff had attended to the remonstrance, and commenced the scrutiny. He had discharged his duty according to the practices of former times; and because, in the course of a few months, twelve thousand two hundred votes had not been scrutinized, a complaint, founded on that head alone, was made, that the city of Westminster was illegally and unconstitutionally unrepresented. He again acknowledged the superior talents of Mr. Hargrave, and paid

many compliments to the goodness of his heart; but notwithstanding his abilities, he remarked, that there were

"Twenty as good as he."

Having dwelt a considerable time on the tendency of the scrutiny, and stated the justness of the same, he requested the attention of the House to the important discussion now before them; he hoped that every friend of the Constitution would adhere to the principles of their ancestors, and not be biassed by any sinister motives. The Commons were the guardians of the people; he therefore hoped that they would not deviate from their dignity. Let us seriously consider that one unconstitutional step may involve us and our posterity in ruin. Let us consider, that our ancestors fought for the establishment of those wise institutions that have raised us to the greatest eminence. And then no man would lay his hand on his heart, and act contrary to those prudent and judicious maxims, which were founded on universal freedom and happiness. His Lordship concluded by moving, To leave out all the words but the word "That," and then to insert—"The Speaker do acquaint the High Bailiff, first, "that he is not precluded by the resolution of this House, "communicated to him on the 8th of June last, from making "a return, whenever he shall be satisfied in his own judgement that he can so do. And secondly, That this House "is not satisfied that the scrutiny has been proceeded in as "expeditiously as it might have been. That it is his duty "to adopt and enforce such just and reasonable regulations "as shall appear to him most likely to prevent unnecessary "delay in future, that he is not precluded from so doing by "want of consent in either party, and that he may be assured of the support of this House in the discharge of his "duty."

The Right Honourable *Frederick Montagu* said, that it would not be ascribed to him that he was one of the enemies of Mr. Grenville's bill. If there was any one act which he reverenced more than another, it was that; and if he had at any time stood well in the eyes of former Parliaments, it was by the hearty interest he had taken, and the active share which he had in the support of that act. It would not, therefore, be imagined, that he wished, by putting an end to the Westminster scrutiny, to affect or arraign that act. It was, in his mind, offensive and unpardonable to compare the Committees of that House to the miserable Court of Scrutiny. The Right Hon Fred. Montagu.

No two tribunals could be more dissimilar. An election Committee was free from every one of the objections which had been alledged against the Court of Scrutiny; they had the power to summon witnesses; to compel their attendance; to administer an oath; and to punish for prevarication or contempt. The noble Lord had said, that one of the causes of delay in the scrutiny, viz. the long speeches of the Counsel, could not be prevented in the Committee above stairs. He must beg leave to say, that these Committees had the efficacy and art of repressing the talkative spirit of the gentlemen of the long robe, and confining them to the mere questions before them. In respect of the length and difficulty of the question, he conceived that to be no argument against the Committee. Fifteen members of that House, chosen by ballot, and acting upon oath, were, in his mind, capable of decisions on more difficult points than the High Bailiff of Westminster, in his wretched Court of Scrutiny. The act of Mr. Grenville had established the proper tribunal for the trial of contested elections; and in his mind, it did violence and injury to the Constitution to recur to the inadequate modes of trial which that act had reprobated, and which had in former times been found so irksome and mischievous.—" Establish the precedent, says he, that a returning officer may, in the pretence of satisfying his conscience, postpone the return of the writ after the day on which it is made returnable, and see what a power you give to bad men to exercise it against the dearest franchise of Englishmen. It is by no means a strained or impossible thing to conjecture, that fifty or an hundred members may be thus kept from their seats and duty. But in the supposition, that no Minister, however desperate, would go that length, may we not with warrant of experience say, that the attacks in this way would be made against the ablest individuals. They would strive to keep from Parliament men of ardent spirit—men of " unconquerable mind and freedom's holy flame." It was not against common men that Charles II. issued his peremptory mandates. The first characters of the age in which they lived were the objects of resentment; and such men as bad or weak Ministers in all times must fear, would be those whom, by such means, they would attack.

Mr. Montagu was earnest in his recommendations to the House, to be wise in this most delicate point. They had heard opinions on the subject which gave him most serious alarm. They had heard grave law authorities publish doc-

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trines inconsistent with every idea which he entertained of the Constitution; and he had heard them, in their ardour on this subject, hazard opinions also, which had committed them to the ridicule of the House; a thing which gave him uneasiness. Men, appointed to sit in the seat of justice, and to administer the laws of the land, were not, in his mind, proper members of a popular assembly. They were liable to be heated by the violences of contention, and, perhaps, of imbibing a portion of party spirit, by which they might be subjected to the ridicule of the House, and to that sort of flippant rebuke which ought never to be applied to the dignified character of a Judge.

The *Master of the Rolls* (Sir Lloyd Kenyon) said, he was by no means disposed to think that the circumstance of his having a seat in that House was either inconsistent with the dignity or the gravity of a Judge. He had a seat there, and he would endeavour to maintain his character with as much integrity as he had observed through life; and he trusted there was nothing in his manners which would justify gentlemen in attributing to him improper motives for the opinions which he delivered in that House. He was not the first who had held the station which he now occupied, together with a seat in the House of Commons. Sir Joseph Jekyll was a member of Parliament; and he believed that no man would ascribe to him either profligacy of manners, or absurdity of conduct. He was one of the greatest characters of his age, as well in his representative capacity in that House, as in his judicial station out of it. Sir John Strange also was a member of that House, and all men must know how much he had enriched our Statute Book with wise and constitutional acts. The Master of the Rolls.

What he had ventured to say the day before on the subject of the power of the Court of Scrutiny had occasioned some acrimonious remarks, of which, however, he did not perceive the justice. It was fair to suppose, he said, that, for the sake of equity and truth, every assembly that had the image of a Court must be furnished with powers for the end. The scrutiny subsisted under the countenance of that House. The High Bailiff might lay complaints before the House, and the House would strengthen the hands of the returning officer. Every body knew that Justices of the Peace had the power to summon witnesses, but not to compel appearance. If, however, witnesses refused to come, or if they behaved improperly, Justices had the means; the Courts gave them aid; and, in like manner, he desired to know, whether,

whether, upon an application from the High Bailiff for succour, they would not assist him either to procure evidence or punish misbehaviour? Had gentlemen forgotten, that in the last scrutiny for this very city, upon application to the House, a Counsel had been committed to Newgate for arguing for time, and the honourable Mr. Murray for improper behaviour.

He had given it as his opinion, and he begged to be understood, that whenever he presumed to deliver an opinion in that House, he did it with the most solemn regard to truth, and with the rigorous impartiality of a Judge; and every lawyer ought, in his mind, to be equally strict. He had, he said, given it as his opinion, that the scrutiny was perfectly constitutional, and was warranted by the law of the land. There was not, in his mind, any order so positive in the writ, nothing so urgent and positive in what was called the exigency of the writ, as to take from the returning officer his discretion. The writs of the Sheriffs had been mentioned, and an honourable gentleman had said, that on the day of the return of these writs, no excuse would be admitted by the Courts. He must beg leave to set the honourable member right in this particular. Nothing was more common than to excuse the Sheriff, on a plausible reason being assigned, and the cases were in so far similar, that the exigency in both writs was the same. In regard to the legality of scrutinies, they surely would not be contested by any man acquainted with the law books. They were as ancient as the Constitution itself; and many cases had occurred of petitions being presented, because a scrutiny had been denied. The petition of Sir Rowland Wynne, complaining of an undue election and return for the county of York was on this ground; and this case stated another thing to the House, which it behoved them to consider. That petition was referred to a Committee, and took up the whole of a session; it was renewed in the beginning of the next session, and at the end of that also it remained unfinished, so that it was by no means to be proved that extreme expedition was to be derived from a Committee up stairs more than from a scrutiny. Sir Lloyd went into a long law argument, and referred to several cases on the Journals. In speaking of the scrutiny, he said, that Mr. Hargrave was a gentleman of the first legal talents, of the most inflexible integrity, of research which was indefatigable, of industry unwearied, and of a mind not agitated by the heats, nor influenced by the prejudices of a party;

party; but ſtill Mr. Hargrave had been bred in the chamber, rather than at the bar. He had not been accuſtomed to *niſi-prius* buſineſs, and he was not, therefore, ſo well qualified for the buſtling proceedings of a ſcrutiny room. He concluded with ſaying, that he approved of the amendment. He thought that a moderate indulgence ſhould be given to the High Bailiff to ſatisfy his mind before he ſhould give his judgement; and the means now adopted were wiſe and neceſſary.

Mr. *Michael-Angelo Taylor* ſaid, that as he ſhould that night give a vote againſt thoſe with whom he agreed in general, and againſt whom he, perhaps, might never give another, he thought it right to ſtate his reaſons for ſo doing. He did not aſpire to the difficulty of contending with the learned gentleman who ſpoke laſt; but he muſt ſay, that he could not perceive the analogy between the Sheriff's writs from the Courts, and the writs from the Crown, for the calling of a Parliament. In the one inſtance, the writ returning to the Court from whence it flowed, they were competent to decide both on the exigency and the allegations of the Sheriff for delay; but in the caſe of writs from the Crown for the aſſembling of Parliament, who was to judge of the exigency? The Parliament being aſſembled, the tribunal was changed, and the laws of the land had wiſely determined that no apology ſhould be admitted for diſobedience. Senſible at the ſame time that by rigorouſly exacting the return of the writ on the day, errors might occur, which there was not time to rectify during the election, or from the cloſe of the poll to the day of the return, they had in their wiſdom eſtabliſhed a tribunal, before which ſuch errors or defective returns might be brought and corrected. This was, in his opinion, the direct courſe which the experience of Parliaments had eſtabliſhed; and though he had never yet had an opportunity of ſitting in a Committee under Mr. Grenville's act, he had obſerved their proceedings, he had read the act, and he reverenced it as a moſt valuable ſecurity to the franchiſes of Engliſhmen. He declared that he delivered every legal opinion in that Houſe or elſewhere, with the humility that became him. He was young—he was but, what he might call himſelf, a chicken in the profeſſion; but he could not reconcile to his ideas of law the Weſtminſter ſcrutiny. It had been called a Court — it was ridiculous in his mind to call it ſo — it was no Court at all, but a mockery Mr. M. A. Taylor.

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and a jeſt. He concluded with ſaying, that he ſhould vote for the original motion.

Lee. Mr. *Lee* agreed with the learned gentleman who ſpoke the laſt but one, that every legal opinion which came from a lawyer in that Houſe ſhould be delivered with the rigorous impartiality of a Judge. He would implicitly obſerve the rule; and therefore, in the utmoſt ſeriouſneſs, and with the ſtricteſt neutrality, he muſt declare, that, in his mind, as a lawyer, the Weſtminſter ſcrutiny could not be juſtified. It had not, as he believed, the authority of any written ſtatute either in letter or ſpirit: it had not the authority of a ſingle precedent: it had not even the countenance of common ſenſe. Could the learned gentleman mention any one ſtatute which authoriſed a returning officer to diſobey the King's writ? There was a ſtatute to the contrary, but none in favour of that conduct. It argued an abſurdity on the face of it; and, therefore, he ſaid, that common ſenſe was againſt the ſcrutiny. Parliaments were called to aſſiſt the Crown upon matters of gravity and importance, and the members were ordered to attend on one fixed and certain day; but if the returning officers ſhould chuſe to imagine that they had doubts, which ought to be diſcuſſed before they obeyed the mandate, inſtead of meeting on the day as they were ordered, they might not meet for weeks, months, nay for years, afterwards. Eſtabliſh the precedent that returning officers may do this, and there was no ſaying where it might end. Suppoſe that the Sheriff of Cornwall ſhould next take it into his head to have ſcruples of conſcience, and ſhould appoint a ſcrutiny inſtead of a return, then, as all the returns of the boroughs muſt be attached to his writ, he would keep out of Parliament the forty borough members of Cornwall. He wondered that no ſchemers had ſuggeſted this among the other plans for the reform of our rotten boroughs. It was a weak argument, and ſurely not to be harboured, that a difference ought to be made between the obligation impoſed on Sheriffs and that on High Bailiffs. The ſpirit of the writ was evident, and it was ridiculous to ſuppoſe that there would be any thing in the character, or, rather, the name of a High Bailiff, to ſcreen him from the duties impoſed on a Sheriff. The noble Lord, in the gentleneſs of his gentle nature, had ſaid, that it would be cruel to force the High Bailiff to make a return without ſatisfying his conſcience. His conſcience ought to be ſatisfied with the diſcharge of his duty, and his duty directed him to obey the King's

writ,

writ, by returning those who appeared on the poll to have the majority of votes. It was true there might be errors on that poll, and what then? He was called on for a return only to the best of his judgement; and if either of the parties are dissatisfied, there was a tribunal to which they might apply, armed with full authority, and possessed of sufficient intelligence for the discovery of truth and the administration of justice. Mr. Lee went at considerable length into the law arguments.

Mr. *Bearcroft* said, as the House seemed inclined to hear the opinions of lawyers, he would shortly state his ideas, as he would not be the means of keeping back the first actors who would now come forward to "fret and strut their hour "upon the stage." In answering, that arguments of the lawyers, whether chicken or old cock, he should observe the rule of rigid impartiality. He had not the bad opinion of the Westminster scrutiny which some gentlemen had. He thought it, on the whole, capable of unravelling the mysteries of the election, and of purifying the poll. Bad votes might be ingeniously defended—good ones, he conceived, could not be disqualified. He had himself a vote for Westminster, which he was confident no scrutineer could have struck off if he had given it. He had not given it, out of respect to the right honourable gentleman over the way. He thought his talents the most enviable of those of any man that he knew. He had, to all his shining qualities, the rich addition of strong, quick, and intelligent common sense. He had an openness and generosity of nature, which, with the capacity and enterprise of his soul, ennobled his virtuous pursuits; but which rendered his great endowments more dangerous if directed amiss. What was he not capable of achieving with powers of mind so commanding, embellished with qualities so seductive? Mr. Bearcroft considered the scrutiny as proper and necessary; and, with all its weakness, it had done good: as to the clamours which were excited, that by this measure the Constitution was ruined and the nation undone, these were expressions at which he did not tremble. The nation had been undone ever since he could remember any thing; and the Westminster scrutiny would continue to violate our Constitution until some new attack was made upon her frame by some other ravisher. Let gentlemen remember, that the scrutiny, with all its weakness, had struck off hundreds of bad votes. He would not, therefore, agree to see the scrutiny abandoned in the present stage,

Mr Bearcroft.

unless the House should think with him, that the High Bailiff, if his mind was not satisfied, ought to make a double return.

Ld. North. Lord *North* said, he rose to "strut and fret his hour upon "that stage," but that if he should be seduced into a long speech on this occasion, he trusted the House would forgive him, and remember that there were two questions before them. He must applaud the noble Lord for the generous manner in which he had left the word "that" in the original motion. He admired also the ingenious way in which it was argued that a scrutiny was proper, because a scrutiny was like a Committee. Nothing, in his mind, could be more dissimilar. A Committee of the House of Commons had every power which was necessary to the investigation of truth. The Court of Scrutiny had not one power. A Committee would execute the business, with dispatch. The scrutiny was charged with delay, even in the motion of amendment, by those who were friendly to it. A Committee had all the impartiality of Judges, for they were chosen by ballot, and acted upon oath. He would not urge the difference in this particular; but, say the other side, a Committee may be added to the scrutiny; then, why, if we are to have a Committee at last, not to go into it at once? Oh! but, says the noble Lord, there are those who argue that a scrutiny, which is to last three years, is as good as a Committee. A Committee has delay too, for that will take four or six months. Will it? then shame on you, for not going at once to that tribunal, which is to waste so much time of the Parliament to which the decision belongs! It is curious to see the manner in which gentlemen praise Mr. Grenville's bill, at the time when they are taking pains to elude it. Mr. Grenville's act is every thing that it ought to be for the purpose: it has found its way, say they, to general renown, as the most impartial means of distributing justice in election trials; and yet, of all things, they seem eager to avoid this mode of decision. Nay, the very preamble of this act seems to have furnished them with the means of the scrutiny. The preamble states, that, "Whereas complaints are fre"quently made of erroneous elections and returns, be it "enacted," &c. Here then we see that nothing but the very idea they have hit upon could have rescued the Westminster election from the influence of this act. If they had made a double return, as suggested by the learned gentleman, the matter must be tried: if they had even returned the can-

didate who was the lowest on the poll, it must have come before a Committee; but, by making no return at all, they eluded that tribunal which they pretend at the same time so ardently to praise.

The noble Lord who moved the amendment was exceedingly concerned that there should be a thought of fettering the mind of the High Bailiff by forcing him to make a return without satisfying his conscience. It was undoubtedly very severe; but it was not more so than many of the hardships in the Statute Book; and there was no greater severity in the case, than that he should return what appeared to him to be the truth. Nothing could be more ridiculous than to say, that Sheriffs were bound, and Bailiffs were not so. It was argued, that the payment of witnesses in the scrutiny was no impeachment of their veracity, as they were paid for their trouble in the courts of law; but did it not strike gentlemen, that in the one case their appearance was by compulsion from the court, which also ordered their payment; and that, in the other, both their appearance and payment was the consequence of contract. He was very much surprised with the manner in which they spoke of Mr. Hargrave. He was slow, that was, he strove to be informed before he gave judgement; a fault for which, with all his integrity, he could not be forgiven: he had unconquerable integrity, very great research, unwearied industry, and unimpeached impartiality; but he was not so fit a man as others for the purpose of the scrutiny. With all his good qualities he was dispatched, and, like King Henry in the song of Chevy Chace, upon hearing of his retirement, they exclaimed, that twenty lawyers as good as he could be found—twenty lawyers with less integrity, with less industry, with less impartiality, but still more fit for the office than Mr. Hargrave.

Mr. Sheridan.

Mr. *Sheridan* replied to different arguments adverse to the motion, that had fallen from Mr. Bearcroft, Lord Mulgrave, the Master of the Rolls, and other speakers. He began with observing, that they had that day been honoured with the councils of a complete gradation of lawyers; they had received the opinion of a Judge, of an Attorney General in petto, of an Ex-Attorney General, and of a practising Barrister. The encomiums passed on his right honourable friend by one learned gentleman (Mr. Bearcroft) were so applicable, that when the learned gentleman added, that, besides his other great and shining talents, his right honourable

friend stood distinguished for his boldness and candour, for his quickness of discernment and good sense, every body who knew his right honourable friend thought the learned gentleman had really been successful in his description, and drawn a just portrait, but when the learned gentleman afterwards stated, at the time that his right honourable friend professed most candour he was then most dangerous, and that he was to be the least trusted when he wished to throw himself into the arms of the House, the learned gentleman completely did away the resemblance, and proved that he was wholly unacquainted with the true character of his right honourable friend, who was not more remarkable for his splendid abilities than for the genuine liberality and unaffected candour of his mind, and the manly, direct, and open conduct that he had ever pursued. Had the learned gentleman's statement been correct, his panegyric would have proved a satire; and it must have been understood, that when he talked of his right honourable friend's boldness, he meant his craft, and when he mentioned his candour, he designed to charge him with hypocrisy. It was not from such men as his right honourable friend that danger was to be dreaded. If the wolf was to be feared, the learned gentleman might rest assured it would be the wolf in sheep's cloathing, the masked pretender to patriotism It was not from the fang of the lion, but from the tooth of the serpent, that reptile that insidiously steals upon the vitals of the Constitution, and gnaws it to the heart, ere the mischief is suspected, that destruction was to be feared. With regard to the acquisition of a learned gentleman, who had declared he meant to vote with them that day, he was sorry to acknowledge, that from the declaration the learned gentleman had made in the beginning of his speech, he saw no great reason to boast of their auxiliary. The learned gentleman, who had with peculiar modesty stiled himself a chicken lawyer, had declared, that, thinking them in the right with respect to the subject of that day's discussion, he should vote with them, but he had at the same time thought it necessary to assert, that he had never before voted differently from the Minister and his friends, and perhaps he never should again vote with those to whom he meant to give his support that day It was, Mr. Sheridan remarked, a little singular to vote with them professedly, because the learned gentleman found them to be in the right; and in the very moment that he had assigned so good a reason for changing his side, to declare, that in all probability he never should vote with them again. He was sorry, he said, to find the chicken

chicken was a bird of ill omen, and that its augury was so unpropitious to their future interests. Perhaps it would have been as well, under these circumstances, that the chicken had not left the barn door of the Treasury, but continued, side by side, with the old cock, to pick those crumbs of comfort, which would, doubtless, be dealt out in due time with liberality, proportioned to the fidelity of the feathered tribe. Mr. Sheridan very happily introduced an elegant Latin quotation, which he addressed to Mr. Taylor, in this part of his speech.

Last year, Mr. Sheridan observed, the whole of the question relative to the scrutiny depended upon the High Bailiff's conscience, which, it was contended, he ought to have time to satisfy; whereas this year it was evident he had no conscience, at least none in his own keeping, for he had delivered it over to his assessor, as to a jury. This was the first time, Mr. Sheridan said, that he had ever heard of a man's conscience being to be satisfied through the sensations of another. He had always heretofore thought that the conscience saw with its own eyes, and was affected by its own organs; that conscience was the only thing one could not hear by proxy; no letter of attorney would be of use to it; it was that which decided for itself, and would by no means admit of another's judgement to decide for it: as the High Bailiff's conscience, therefore, had now been proved to be made of transferable stuff, he hoped it would no longer stand in the way of the House's justice, but that they would exercise that discretion wisely, which they had, in his opinion, exercised most unwisely last year, and would put an end to that miserable, absurd, and oppressive institution, the Westminster scrutiny. A noble Lord, he took notice, had early in the debate said, that it was a false idea that our Constitution was injured by the absence of two or more members from that House; but that the fact was, the Constitution required that no members should be illegally restrained from attending their duty there. This doctrine, Mr. Sheridan said, he was persuaded, was ill founded, and he believed he could convince the noble Lord that it was so. In case of death, which, though an insurmountable restraint, was certainly not an illegal one. What sort of a language did the Speaker's warrant hold? Let the noble Lord attend to the expression, and then ask himself if he was not mistaken. Mr. Sheridan here read those words, wherein the warrant assigns, as a reason for its being issued, the extreme necessity that the House of popular

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representation ſhould be full and complete when the buſineſs of the King and his People, the Church and State, are to be agitated.

There had fallen an expreſſion from the noble Lord which appeared to him, Mr. Sheridan ſaid, to be very extraordinary, and that was, in mentioning Mr. Grenville's bill, (to which, by the bye, the noble Lord had paid no great compliment) he had talked of its having ſurmounted the oppoſition of the noble Lord in the blue ribband, notwithſtanding all his influence as a Miniſter. This reminded him of a moſt inſulting ſarcaſm, aimed at the noble Lord in the blue ribband a few days ſince, by the right honourable gentleman oppoſite to him, which had not a little ſurpriſed him; he meant, when talking of the terms "as a man and a Miniſter," the right honourable gentleman had alluded to the influence of a Miniſter in lofty language, declaring that he never uſed any but the honeſt influence of his abilities, and the ſervices he might do his country, though he choſe, at the ſame time, in terms of ſarcaſtic inſult, to ſuggeſt that the noble Lord in the blue ribband had uſed the influence of bribery and corruption only, when he was Miniſter. At the time this was ſaid, Mr. Sheridan declared, he looked over to the Treaſury Bench to ſee how ſome of thoſe felt who ſat neareſt the right honourable gentleman, who had formerly been in the councils of the noble Lord in the blue ribband, had ſhared his confidence, and who conſequently muſt have borne a part in the ſarcaſm, had it applied to the noble Lord. Perhaps, the other noble Lord had this day introduced the words "as a Miniſter," merely that he might add to them, his declaration that the noble Lord in the blue ribband had uſed no other influence as a Miniſter, than the fair influence of his own character and abilities, meaning at the ſame time that the remark was a compliment, that it ſhould alſo ſerve to wipe off the ſarcaſm of the right honourable gentleman from thoſe of the noble Lord's former friends, who were at this time ſo faithfully attached, for no corrupt motive doubtleſs, to the right honourable gentleman. Mr. Sheridan next took notice of Lord Mulgrave's declaration, that Sir Cecil Wray was an honeſt, plain man, who had no view but a ſeat in Parliament. If that was the caſe, what was Lord Hood, who had ſhewn by his conduct that he was not very deſirous of a ſeat there? Mr. Sheridan commented on the ſtrange conduct of a man of Lord Hood's character, who certainly ſhould act for himſelf, and be above condeſcending to be the

tool of any set of men whatever. He took occasion also to pronounce a panegyric on Mr. Hargrave, and spoke of him in the most handsome terms. He said, he had no doubt in his own mind but that Mr. Corbett was bound by the act of 10 and 11 William, and that it was a miserable shift in those who pretended that he did not come within the meaning of that act, because in its clauses mention was made generally of Mayors, Bailiffs, Under Sheriffs, &c. He spoke of the absurdities and inconveniencies that were likely to arise from a frequent change of assessors. At present the votes in St. Anne's had been decided upon by rules and principles laid down by Mr. Hargrave, while votes exactly similarly circumstanced, had been decided upon by Mr. Murphy in St. Martin's parish, on different principles. For what they knew, the High Bailiff might again change his assessor; perhaps he might put his conscience in commission, and deliver it into the hands of three attornies. He complained of the scrutiny on a variety of different grounds, and said the paying of the witnesses influenced their testimony. The noble Lord had compared it to the payment of witnesses in courts of justice, whereas no two things could be more wide and distinct. In the one case, that of the scrutiny, there was no power to punish false testimony; in the Courts of Justice the witnesses give evidence upon their oath, in the face of a Court competent to punish them, and liable to indictment for perjury. In like manner, was the Westminster election to go before a Committee of that House, it would go before a competent tribunal, before a tribunal armed with the proper powers to enforce attendance, and insure dispatch; whereas the High Bailiff's Court, as it was called, could do neither; it was the greatest burlesque of a Court that ever was heard of, and a downright mockery of justice. Mr. Sheridan said, if they were to go on, and that House was to be persuaded to authorise a continuance of the scrutiny, new delusions must be found out to induce the House to come into a measure, that all the world would consider as a measure of ministerial tyranny. He trusted, however, that the House would see the matter in a very different light from that in which they saw it last year: they had then but just come from their elections; and their minds were agitated and inflamed with the clamour that had been artfully raised against the India bill. The case was now somewhat different; men's minds were cooler; they no longer looked at his honourable friend's conduct through the optics of prejudice. They had revived

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the recollection of his steady adherence to the cause of the people, and the cause of liberty. They admired his constant exertions in support of the Constitution, and they wished he should be rescued from a persecution, as disgraceful to those who instituted it, as it was vexatious and oppressive to him. Before he sat down, Mr. Sheridan said, he would address a few words to the right honourable gentleman opposite to him, not as a Minister, but as a member of Parliament, a friend to parliamentary reform, a point of view in which he was happy to consider him; he therefore wished to recommend to him something like a consistency of conduct. When the right honourable gentleman first declared his intention of putting himself at the head of the friends to reform, Mr. Sheridan said, he felt great pleasure, considering it as a most valuable acquisition of weight, authority, and strength. He entertained the same opinion of him in regard to reform, as ever; he had never doubted his sincerity; and he declared he spoke most seriously, when he assured him, he gave him his entire confidence in that respect; a gift, perhaps, which the right honourable gentleman might hold cheap, but he must permit him to tell him, that the honest confidence of one sincere and anxious friend of reform, though as humble and insignificant an individual as himself, was worth all the rotten support of a whole herd of flatterers and followers, attached only by their present interests, and ready to change with the first change of circumstances. Let him recommend it, therefore, to the right honourable gentleman, to preserve a consistency of conduct, and not while he was talking of purifying the representation of that House in general, to suffer so large a city as Westminster to stand disfranchised, and deprived of its right to representation, without having committed any one offence that merited or in any sort justified so severe a punishment. How would the right honourable gentleman like, as he drove through the streets of that disfranchised city, a few days hence, in his way to the House, to hear the people cry out, "There goes the Minister, who "in his liberality is this day to give one hundred additional "members to counties, and denies this city its legal and "constitutional privilege of two representatives!" Let the right honourable gentleman avoid this, by joining him that day in support of the original question, and let not the electors of Westminster again undergo what they underwent last year, the unconstitutional violence of being taxed while they were deprived of their representatives, and of having the

the money taken out of their pockets without their conſent, which he could not conſider other, than as monſtrous an infringement of the firſt principles of the Conſtitution, as could poſſibly be committed He hoped, therefore, the right honourable gentleman would be one of the foremoſt in ſupport of the queſtion firſt moved, and when he urged his anxiety to prevail upon him to lend the queſtion his ſupport, he really ſpoke not as a party man. [A loud laugh.] Mr. Sheridan repeated what he had ſaid, and declared he was actuated by no feelings of political party in his conduct that day. As a party man, he ſhould be ready to exclaim, "Long live the ſcrutiny!" Every friend to his connections, actuated ſolely by views of party, muſt wiſh the ſcrutiny to go on. The right honourable gentleman would find he was right in what he ſaid, if that Houſe could be perſuaded, which he truſted would not be poſſible, to do ſo abſurd, and ſo unjuſt a thing, as not to order the High Bailiff to make an immediate return to the writ. In that caſe, the right honourable gentleman would find the ſcrutiny would entangle him every ſtep he took; it would be perpetually in his way, and would ſooner or later throw him down. The ſcrape he had got into, his friends were ſorry to ſee, and, to his knowledge, heartily wiſhed him out of it. Let the right honourable gentleman recollect, the path of recantation was not a new one to him; he had trod that path more than once.—[Mr. Pitt ſaid, acroſs the Houſe, in what, or when?] Mr. Sheridan anſwered, laſt year; when the coal tax was given up; when the price at which the navy bills were to be paid off by the ſubſcribers was altered, the right honourable gentleman having at the ſame time declared, that he gave up that to clamour which he had before obſtinately refuſed to reaſon and juſtice. He had conceded in that inſtance, and upon a wretched plea; he might alſo be ſaid to have retracted in regard to his India bill, for there certainly could not be a bill more unlike the bill he had opened, than the right honourable gentleman's Eaſt India bill of the laſt year was, when it paſſed. Having ſaid this, Mr. Sheridan once more preſſed the Chancellor of the Exchequer to accompany him in leading the Houſe out of its error; let them all tread back the miſtaken road they had taken, and if the right honourable gentleman would put out his power as a Miniſter, and lend them the ſtrength of his arguments as a man, he ſaid, he would anſwer for it, they would honeſtly meet him, and be ſure to carry their point.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* then rose, and observed, that the example of the noble Lord, who had spoken early in the debate, should not temp him to prolixity; nor should the digressions of the honourable gentleman (Mr. Sheridan) and the observations which he had studiously produced, lead him to the consideration of matters that had not the most distant connection with the subject. As to what the honourable gentleman had indulged his wit in, respecting the subject of recantation, he should leave it chearfully to the recollection of the House, and should suffer him to indulge the career of his humour and good nature, without any deviation. He had acquired too much experience of their attacks upon his temper, his disposition, and his feelings, to be sensible of any soreness at them. There were, in his view of the matter, two questions before the House, which, considering the variety of his digressions, there was little cause to wonder the noble Lord had entirely overlooked; his Lordship had been so much flattered with the echoing plaudits of his scrutineers, that he had forgot to consider what was immediately before them; first, the legality of the scrutiny itself; and secondly, the necessity for a farther continuation of it. The first, indeed, had been so fully agitated, and so often discussed the last session, that any farther inquiry into it would at present be quite needless, [a cry of Hear! hear! from the Opposition Bench; on which Mr. Pitt said, he was happy the noble Lord's friends were, at that late hour of the night, so very ready to allow him a hearing] on a subject, respecting which their minds, as well as that of the noble Lord, were made up already. The first question he should therefore wave. The second was a simple one in reality, though it spread into a variety of branches; it was, whether from the evidence before the House, there was visible cause to alter the resolutions of the last session? In discussing this point, he declared that he should take no notice of all the vague and unsupported assertions thrown out by gentlemen on the other side. They had on various points begged the question; he should confine himself to argument, to evidence, and to known fact. The Constitution had been said to be violated in the institution of the scrutiny, and the rights of election overturned; but let that violation, and that destruction be proved; or let it be proved that the House could have acted otherwise, and he should plead guilty to his share in that tyranny, that injustice and oppression, which had been echoed in his ears. But that language would be found

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inadequate to the purposed end: it would serve neither to conciliate or intimidate; nor would be likely to convince, when coming from a party concerned, in the peculiar situation of being able to plead his own cause. For what was the expression of the honourable gentleman who spoke last? He had repeatedly said, "our voters, our witnesses;" at the same time he conjured the House to be persuaded that he did not act or speak from party motives; and assured it that he belonged to no party! To censure, and even to abuse a resolution of the last session, Mr. Pitt urged, was improper and indecent, when the necessity could not be adduced for altering or amending that resolution. The original legality of the scrutiny could not be doubted; it had been solemnly decided in the House of Commons; all that was liable to objection was the continuation of that scrutiny, from circumstances that may have occurred since the last session. The arguments of the Opposition against the legality of the scrutiny had been examined and found deficient; for the law of Parliament enjoined the Sheriff to make return of the writ on the exigent, when the election was completed; but not so, when it was in an unfinished state, the present actual state of the Westminster election. The legality then of the scrutiny must be acknowledged. All that could be called in question was the propriety of continuing the resolutions of the last year. In order to consider this, he said, he should premise, that the Westminster scrutiny was established on the principle of such a number of bad votes having polled, that it was doubtful who had the legal superiority; and also for the satisfaction of the conscience of the High Bailiff. The objections against it were, that it was not effectual—that it should rather be referred to a Committee under Mr. Grenville's bill—that the poll itself was a scrutiny, and therefore that the latter was superfluous—that it was a partial mode of investigation, and an intolerable grievance to the city of Westminster, which was by means of it kept unrepresented. Now, with regard to its inefficacy, the High Bailiff had gone through a fourth part, in which two or three hundred bad votes had been found; when the whole was gone through, it might be found, that in the same ratio the bad votes would amount to eight or nine hundred. Who then could question the efficacy of the scrutiny, or wonder at the doubts of the High Bailiff? This officer had a general suspicion of bad votes; but, according to his own evidence given before the House, a particular one in the parishes of St. Margaret and

St. John's. Was that doubt ſuddenly done away? had he made any diſcoveries in thoſe two pariſhes? The examination of the votes in thoſe ſuſpected pariſhes, he averred, was prevented by Mr. Fox and his party. They had uſed every means to protract the ſcrutiny in the other pariſhes, where the votes of Sir Cecil Wray were in the proportion of five to three, and where from that circumſtance, and from the circumſtance of their being the pariſhes leaſt ſuſpected by the returning officer, it was no wonder if nearly as many had been ſtruck off from Sir Cecil Wray as from Mr. Fox. But the bad votes of the one, no leſs than the other, proved the propriety of the ſcrutiny; every vote of Sir Cecil Wray's that Mr. Fox attacks, was an additional argument for its neceſſity. It had been urged, that the poll itſelf was a ſcrutiny. Now this aſſertion had been amply refuted by the bad votes that had been detected ſince the concluſion of the poll. We had alſo been told that the ſcrutiny was vain and ineffectual, that the High Bailiff had no power to compel attendance, to commit to priſon for contempt, with other judicial privileges; but, on the ſame grounds, the poll likewiſe muſt be futile; as on the poll, he was no more poſſeſſed of thoſe powers, than he was afterwards in the ſcrutiny. "But," ſay the advocates on the other ſide, "we do not believe in thoſe bad votes, nor will we believe till you produce them." A curious argument this, that they muſt be brought forward, who cannot be found, and thoſe againſt whom the only objection is their non-entity cannot be ſtruck off till they are produced. If the ſcrutiny is ineffectual, was not the poll, which is ſpoken of in ſuch ſatisfactory terms, the ſame? As to the ſuppoſed grievance to the city of Weſtminſter, in being deprived of its repreſentatives, would it not be preciſely the ſame, if the buſineſs were brought before a Committee of the Houſe. But no grievance, real or ſuppoſed, ſhould urge the Houſe to diſpenſe, by a vote, with the known laws of the land; by the ſame argument, all the laws of election might be violated through Mr. Grenville's bill. The great miſchief of the ſcrutiny had proceeded from its delay; and for this delay he could aſſign two cauſes: the firſt was the ſpirit of procraſtination in Mr. Fox; the ſecond, the unfitneſs, for he ſhould ſpeak out boldly and frankly, of Mr. Hargrave for the office of aſſeſſor to the High Bailiff. He had as great a reſpect as any man for the talents of that gentleman, but they were, he was concerned to ſay, by no means of the proper kind. He had a great depth of know-

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ledge, a perfect acquaintance with the antiquities of the law, which he had learnt to convert to the causes that came before him, and knew how to apply the system of his own court (of Chancery) to the method chalked out in the Court of Scrutiny. His labour and industry were unremitted, and his sagacity so great, that he could confound and perplex, and render that unintelligible to himself, which was clear to all the world beside, with great professional dexterity. And as to his propensity to let form get the better of expedition, they themselves, though they were not in the wretched unprotected condition of the High Bailiff, though they had power to summon, and commit, and a serjeant to execute their orders, had, to their great sorrow, experienced it; and had, when he was at their bar, undergone corporeal testimony of the matter. He should, speaking freely and boldly of persons, whether absent or present, declare, that Mr. Fox had himself occasioned the principal delay of the scrutiny. His objection to going into the parishes of St. Margaret and St. John, according to the proposition of the High Bailiff, was, that he had not made so much preparation as his adversary. Yet three months elapsed, while the examination was going on in St. Anne's parish, and yet he had not, in that interval, prepared himself to meet Sir Cecil Wray's objections. But if he had been persecuted by the scrutiny, how much greater would have been his persecution, had the question been brought before a Committee, where Sir Cecil Wray, as all complainants in all courts were allowed, would have aimed his attacks at the parts he should judge most vulnerable. The High Bailiff began with St. Anne's, from precedent, and then proposed St. Margaret's and St. John's; but this Mr. Fox objected to, as partial. The High Bailiff was then prevailed upon to proceed by lot, and the investigation of bad votes was warded off as long as possible from the parishes the most suspected. This was, indeed, to be expected from Mr. Fox; it was natural for him to wish, that as little progress as possible should be made in the scrutiny in a given time, or, in other words, that the scrutiny should go on with all practicable slowness. Thus did Mr. Fox make an unreasonable objection to an established rule of all courts, even of Election Committees, under Mr. Grenville's bill, that the petitioner should be allowed to produce his charges in the form and succession that he might judge most expedient. Mr. Pitt then recommended, as they could not remedy the past, that such delay in future might be obviated;

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one ſtep was already taken towards it, in the removal of the former judge; more might be done towards the ſame end, by convincing the High Bailiff, that he was not under the neceſſity of ſubmitting to the will of both parties; for the buſineſs was carried on leſs for the gratification of the parties than for the ſatisfaction of his own conſcience. A more expeditious mode of trial might alſo be contrived. It had been ſtated, that five ſpeeches were made by the Counſel upon every caſe; but theſe might be reduced to three, by which two fifths of the ſpeeches at leaſt upon trials would be ſtruck off. But perhaps it would be found, that three ſpeeches on every caſe were not neceſſary. The proceedings at Election Committees might be imitated, where they ſpoke only to the general tenor, and examined evidence as to the particular facts; and, in the Court of Scrutiny, there ſhould be leſs occaſion for ſpeeches than in the Committee, there being a lawyer as judge in the former; and none, at leaſt profeſſionally ſo, in the latter. He then ſuggeſted a method of claſſing the votes, retaining the ſpeeches at the beginning and end of the examination of each claſs; by all which the buſineſs might be greatly expedited.

The plan alſo of inſpectors might be adopted, which was propoſed by Sir Cecil Wray; but, according to his uniform ſyſtem of delay, objected to by Mr. Fox. Theſe inſpectors were to examine into the exiſtence of the voters. This, perhaps, it would be ſaid, would conſtitute perſons who might be incompetent as judges; but they were not to judge of law, nor of fact, upon any thing but the evidence of their ſenſes. Another propoſal was alſo made by Sir Cecil Wray, which might henceforward be put in force; not to admit any Counſel on either ſide, but when the aſſeſſor ſhould judge it neceſſary: this was, likewiſe, objected to by Mr. Fox; and from what the Houſe had already heard, they would not doubt his motive for the objection. But what would prove ſtill more clearly the retarding ſyſtem of Mr. Fox, and when he reflected on it, he could not withhold his aſtoniſhment at the tragic tales of tyranny, perſecution, and cruelty, that he had heard from the other ſide of the Houſe, the repeated declamation made by the right honourable gentleman, that every hour the ſcrutiny continued was a ſtab to the vitals of the Conſtitution, and that under ſuch accumulated vengeance he ſhould betray the feelings of a man, if he preſerved the decency of a member of Parliament—Was the propoſal lately made, by him, that the aſſeſſor ſhould continue an hour and a half each day?

day? He should be concerned at being obliged to have recourse to personal reflections, but he could not help declaring this proposition to be a mockery and an insult. Yet he could readily anticipate an argument to justify this proposal from the other side, and could almost read it in the looks of the right honourable gentleman over against him. This might tend in the issue to prevent delay, by preventing the introduction of a new assessor, who would have all the business to re-commence, and a system to re-establish. This, however, was rendered futile by the declaration of Mr. Murphy, who professed his intention to be regulated entirely by the precedents established in the time of his predecessor: besides, as Mr. Hargrave had declared his resolution to go no farther than the parish of St. Martin; at all events, it only tended to hasten the change about six weeks sooner than in the ordinary course it would have happened. That proposition he would call the most monstrous proof of an invincible desire in the right honourable gentleman for procrastination. An argument might be farther adduced, that all the attempts would be vain to accelerate the scrutiny, since, if questions were not propounded by counsel, they would be so by friends; and, indeed, proofs had been given on the former night, that there were a good number ready to perplex and harrass evidence.

As for the witty observations of the former speaker, on the High Bailiff being guided by, and borrowing the conscience of, another, it was not an unusual or extraordinary circumstance. A high, judicial officer was frequently in the same predicament, for it was well known that assessors were frequently called into the Court of Chancery; and a noble Lord, a particular friend of the right honourable gentleman, with all his legal skill and profound wisdom, might, when he was in power with the right honourable gentleman, have had occasion to refer to the judgement of another, a cause in his Duchy Court of Lancaster. With regard to the assertion that the High Bailiff had, in his examination yesterday, declared that his conscience was cleared, and that his mind was so far satisfied, that he had now no pretence for deferring the return, he would aver the contrary; as the High Bailiff had, on being interrogated, expressly said, that he had still his doubts respecting the merits of the election. As to the question put to Mr. Murphy by a noble Lord, and the answer made to it, he did not think the latter should have any weight whatever with the House; for if they were

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guided by the opinion of Mr. Murphy, who thought the affair would be best terminated before a Committee, they would really have adopted the method of settling their consciences by the means of an assessor. Yet, however improper this question might be to Mr. Murphy, the noble Lord should, since he was determined to propose it, have followed it up with another. He should have asked how the business was to be brought before a Committee upon Mr. Grenville's act. No one reverenced that institution more than he did; but he would nevertheless maintain, that it was a tribunal to try an election, not to make one. And what return could the High Bailiff make? If he made any, it must be a double return, in which case the city of Westminster would remain unrepresented, and the candidates under the same intolerable grievances as before. Was an election to be tried before it was completed? and how could an election be completed till the return was made? Nothing, he observed, could be of greater consequence to the safety of the Constitution, than preserving the just separation of jurisdictions, and preventing one from encroaching upon another. He should, for his own part, prefer the Court of Scrutiny as the more constitutional court to try an imperfect election before that scrutiny was instituted, but surely much more so, after it had made so great a progress. Besides, peculiar disadvantages would attend the Committee. It would be necessarily chosen from the members of the whole House; one half of whom were disqualified by having voted. It must also terminate with the session, and leave all the business to be gone over again in the ensuing one; and who could say that all the necessary inquiries might be made in one session? He professed himself so great an admirer of Mr. Grenville's Committee, that he hoped no matter might be brought before it which would disgrace it. He concluded with recommending some reforms in the scrutiny; such as abolishing the necessity which the High Bailiff had hitherto submitted to, of taking the counsel of both parties, and transferring some part of the power and privilege of the House of Commons, or at least protecting it by their authority. For the propriety of this delegated power, he argued by analogy, from the practice of other Courts. He conjured the House not to explain away the law; but if alteration should be found requisite, if the vitiated conduct of a poll should have placed certain defects in a more glaring light than they were before exhibited, to amend and correct it; but not by superseding the law,

law, and confounding ſeparate juriſdictions, ſhake the foundations of the Conſtitution, and render, at once, the rights of the People and privileges of Parliament inſecure.

Mr. *Wyndham* (of Norfolk) contended, that the argument urged in favour of the High Bailiff, that he ought not to make a return till he had completely ſatisfied his conſcience, and made up his mind, went too far, and as it was ſtated, it was fallacious. The writ undoubtedly directed the High Bailiff to proceed to an election of two members, and if his conſcience was not ſatisfied on or before the day on which the writ was returnable, there was a clear path for him to purſue, in which he would have been countenanced by all men. He had then to return to the Sheriff all the candidates, giving as a reaſon for ſuch return, that his conſcience was not ſatisfied, and then the matter would have come fairly before the tribunal, competent to try its merits. It was not true that the High Bailiff was forced to return two members on the exigency of the writ. A double return was allowed by that Houſe, in caſes where the returning officer was not ſatisfied in his conſcience. A complete and correct return was not demanded.—If it were, and if that Houſe ſhould countenance, by its decree, the new doctrine, that the return muſt not be made till the conſcience of the returning officer was fully ſatisfied, that Houſe might in future be deficient of half its members. He obſerved, that though it was ſeemingly the object of the Miniſter and his friends to relieve the High Bailiff from as much care and trouble as poſſible, yet the very direct conſequence of the ſcrutiny, and of the inſtructions propoſed to be given this night to him, would actually raiſe new difficulties and increaſe his embarraſſments. He had been directed, in the firſt inſtance, to take ſome time to conſider and examine his poll, that he might, by private inquiries ſatisfy his conſcience, and then make his return; but the Houſe having ordered him to proceed in the ſcrutiny, impoſed a new taſk upon him; and though, before the ſcrutiny had been approved of by the Houſe, the Bailiff might have made his return when he had ſatisfied his conſcience, yet the ſcrutiny having been once commenced, he muſt not ſatisfy his conſcience only, but alſo his judgement; ſo that as he could not ſatisfy his judgement without ſcrutinizing his poll; ſo whilſt there remained a vote unſcrutinized, he could not make his return: it was clear, therefore, that the Houſe itſelf, in ſeeming to promote expedition, had actually thrown additional obſtacles in the way, and created unneceſſary delay; for though it would have been ſufficient for the Bailiff to

Mr. Wyndham.

have satisfied his conscience at the outset, he must now satisfy both his conscience and his judgement. — An expression had dropped from the Minister which he thought very alarming indeed; it contained a doctrine likely to be the prolific parent of numberless inconveniencies and mischiefs. It seemed, according to the right honourable gentleman, that the circumstance of there being bad votes on the poll of a candidate, was a good ground for the scrutiny; if this was the case, there was not an election for any county or populous city in the kingdom which ought not to be the subject of a scrutiny, as he was sure there was not an election for any such places, during which persons had not been permitted on both sides to poll, without any legal qualification for the exercise of such a franchise. At Norwich, where he had the honour to have been elected, he was very sure many bad votes had been given both to him and to the rival candidate; and if the number of such voters, admitted to poll at Norwich, was less than the number of the like voters who had polled in Westminster, it was because the gross number of the inhabitants were less in the former than in the latter. But there was another expression which alarmed him still more, and that was, "That it "mattered not on which side the bad votes had been polled, "if bad votes had been received." This was a good ground [illegible] a scrutiny, this was an alarming doctrine indeed; for if it was once received as sound and parliamentary, the legal representatives of every populous town in England might be kept out of Parliament for years together, by the most [illegible] combination between a Minister and profligate tools in the shape of candidates, who having contrived to get some bad votes on the poll even for themselves, might then demand a scrutiny, which might be carried on for years, though a decided majority of legal votes should be on the side of the candidate against whom a scrutiny should have been granted. For these different reasons, he declared his intention to withstand the introduction of such fatal doctrines; to resist the amendment moved by the noble Lord, and support, with his vote, the original motion made by the right honourable gentleman. [This was Mr. Wyndham's first speech.]

Mr. *Fox* began a speech of considerable length, with congratulations to the House on the accession of abilities they had found in the gentleman who spoke before him. He then adverted to the various speakers against the motion, and answered their several arguments. He reprobated the doctrine of Lord Mulgrave, that the Westminster scrutiny had no[illegible] Parliament. It had to do, he

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said, with the reform of Parliament, and was a subject which every real lover of reform must countenance, since it amounted in reality to the disfranchisement of the city of Westminster, and with that of every other popular place in the kingdom. He observed, that the Chancellor of the Exchequer had very dogmatically declared, that every one who went before him had spoken to every thing but to the question really before the House; he would not dispute the right honourable gentleman's splendid abilities; he never did it, he never would do it: indeed it would be absurd in him to dispute what he himself had always acknowledged, what the whole House admired, indeed it would be no less absurd than to dispute the right honourable gentleman's confidence in those abilities. The right honourable gentleman set out with saying, that he was too much upon his guard to suffer himself to be betrayed by any temptation, to use personal asperity to any one: he wished that his protestations and his observations upon other men had been a little less at variance; for he was sure every one who had heard the right honourable gentleman's remarks upon Mr. Hargrave, would think that he absolutely forgot his resolution not to use asperity towards any man: for his own part he would say, that he had never heard a more unmerited attack upon any one. That gentleman had been praised, as being one of the most learned, the most able, the most indefatigable and laborious persons of his profession; but it would seem as if ability, learning, and diligence, were not the requisites for an assessor; for the House had been told that other persons would be found much better qualified for the office; their qualifications not being founded on equality of professional knowledge, learning, and industry with Mr. Hargrave, people would be apt to inquire in what these qualifications might consist. In his opinion, integrity was one of the most necessary in a judge, and he was sure that Mr. Hargrave possessed it in an eminent degree; he believed also that Mr. Murphy was a man of integrity; but who could tell that he would long continue in his present office? And what a lesson would the Minister's speech of this day be to his successor in advising the High Bailiff? Would it not say to him in plain terms, one assessor of inflexible integrity has been removed; his situation had been previously rendered so disagreeable to him, that he could not, consistent with his own dignity, remain any longer in his office; and to crown all, having resigned, was held up in an odious or ridiculous light by the Minister. Was not this as much as to say, if an assessor shall presume to think for himself, he shall be publicly

ridiculed, reviled, and reprimanded; whilst, on the other hand, the courtly, the complaisant assessor, who may come hereafter, may learn the way to gain the favour, the countenance, and the smiles of the Minister, no trifling considerations with men who must look up to Government for advancement or promotion in their profession. Mr. Hargrave was charged by the right honourable gentleman with having been himself very instrumental in causing the delay of which there had been such complaint, he would ask, if since Mr. Murphy had taken his place, the scrutiny had been conducted with greater dispatch? The contrary was notoriously the truth. The right honourable gentleman could free the High Bailiff from the supposed necessity by which he thought himself bound to make no new regulation that should not meet with the approbation and concurrence of both parties. Now he would be bound to say, that the most effectual way to procure dispatch would be to induce the parties mutually to agree to regulations, and in this Mr. Hargrave was extremely useful, as from the conciliating disposition of that gentleman, both parties had been often induced to concur in resolutions, to which they previously had entertained strong objections, but which they were persuaded to relinquish, by the engaging and soothing manners of Mr. Hargrave. It had been said last year, and had been repeated that night, that *non entities* had been admitted to poll, and that the supposed or ostensible inhabitants, if the expression might be used, of persons not in existence, had been stated to be principally in St. John's and St. Margaret's. To the first part of this he would reply, that they must be credulous indeed who could suffer themselves to be led away with the idea, that puppets or figures stuffed with straw had been produced and admitted to poll at the hustings, for without this, their idea of *non entities* polling was nonsense, for it must be supposed, that for every name set down in the poll books, some *entity* had actually appeared at the hustings. Now he thought it might be very easy to account for the notion that had got abroad relative to *non entities* having been polled. When a great many persons were assembled at once to vote, more than one at a time might give in their names and places of abode, and in the confusion the name of the voter might have been set down right, but the habitation of one might be set down in the books as if it were that of another. and, therefore, when inquiries were made for Peter in a street, of which, by mistake, he was in the poll books set down as an inhabitant, and was not found there, it was the fashion of the day to call him a *non entity*, but it by no means

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followed that he had not a good vote, becaufe by a miftake he was fet down as an inhabitant of one ftreet, when he really kept a houfe in another: and indeed this was not an imaginary cafe, for it had actually happened, and a vote was ftruck off from the poll, becaufe he could not be found in the ftreet fet oppofite to his name in the book, and yet he made it appear to the fatisfaction of the High Bailiff himfelf, that he had as good a vote as any in Weftminfter.

Having premifed thus much, he begged leave to fay fomething upon the law of the queftion, and he hoped he fhould not leave the right honourable gentleman at liberty to fay with truth, when he fhould have concluded, that the legality of the fcrutiny ftood unimpeached. What he had to fay was reducible to the following heads Statute Law—the Practice of Parliament—and the Reafon of the Thing He contended then, firft, that by ftatute, the writ was returnable on the day fpecified in it, and this would appear clearly from the act of Henry 6th, by which an action of debt was given to a perfon aggrieved by any return, the act provided that fuch action however fhould be brought within three months after the meeting of Parliament Our anceftors, who formed that act, muft have looked upon the meeting of Parliament, and the return of the writ, as convertible propofitions; or it would have been abfurd in them to give a man an action which could be fo eafily defeated, if the practice introduced by the prefent Parliament had prevailed in the days of Henry the 6th, for the Sheriff not making any return till three months, or as it might be in the prefent cafe, three years after the meeting, no action could be brought againft him, becaufe by law it muft be brought within three months after the meeting, or not at all The next ftatute he would mention, was that of William III which made it abfolutely neceffary that the Sheriff fhould make his return on or before the day of meeting In this furely was virtually included every inferior returning officer, who by making their returns to the Sheriff, muft enable him to obey his writ, and tranfmit it to the Crown Office in due time, before the opening of the feffion It had been faid by a learned Judge (the Mafter of the Rolls) that a writ for the election of a burgefs during the fitting of Parliament was not returnable within any limited time The difference between that and the prefent cafe, was very ftriking: the King was fuppofed to know beft when a new Parliament ought to meet, and, therefore, he fummoned it to meet on the day which appeared to him moft proper, and it was neceffary that the Commons fhould be fully reprefented before

Parliament

Parliament proceeded to make laws; but it was different with respect to a vacancy made by death in a House of Commons already sitting; for the same reason for dispatch not prevailing, the act of William III. required only that the return should be made within fourteen days after the election: but by the new mode lately introduced, a scrutiny might be demanded or ordered, and as it was the continuation of the poll or election, the actual close of the poll not being deemed a conclusion of the election, the precept might be held even for years by the returning officer, notwithstanding the act of William III. He next maintained that a scrutiny, protracted beyond the exigency of the writ, was contrary to the uniform and invariable practice of Parliament. In the great Oxfordshire election, the Sheriff granted a scrutiny, which lasted till the day before his writ was returnable, and then closed it, contrary to the wishes and intreaties of the parties that had demanded it: he then returned all the four candidates: the House was not angry with the Sheriff; on the contrary, it sat from day to day to determine who ought to have been returned as the sitting members, and pronounced in favour of Parker and Turner, and against Dashwood and Wenman.

Lastly, he said it was contrary to the reason of the thing; for if it was left in the power of returning officers to protract the return as they pleased (and who could find fault with or punish them, when they declared inexorable conscience to be the cause of the delay?) a picked Parliament might meet for shameful purposes, the members of Old Sarum, Midhurst, Thirske, Knaresborough, and the like, would take their seats, whilst the representatives of Westminster, Liverpool, Bristol, Newcastle, and every populous place, were not yet elected!

A scrutiny in itself was not a measure into which a returning officer was bound to go, except in the city of London, where a provision was made for it by a special act of Parliament; if he was, why was not the Sheriff of Bedfordshire punished by the House for refusing it; why did not the House call to account the returning officers of Southwark, Lancaster, &c. who had also refused to grant a scrutiny? And here he begged leave to remark, that the doctrine broached by the right honourable gentleman, "that, let the bad votes be on "which side they might, a scrutiny ought to be granted," was truly dangerous; for in cases where the majorities were very small, as in Bedfordshire, where it was only of one, and in Southwark, where it consisted of eleven, &c. &c. a scrutiny demanded by the person who had the minority, and granted, would keep the legal members out of their seats, the

electors

electors unrepresented, and leave the members of decayed boroughs to transact the business, for which such a Parliament might have been packed. He had not a doubt then, that as this scrutiny was contrary to statute law, to the practice of the House of Commons immemorially, and to the reason of the thing, the only object that the Minister could have in view was, to harrass and persecute an individual, whom he had honoured, by distinguishing him from among a number of others, to make the victim of his resentment. He had always wished to stand well with the right honourable gentleman; he remembered the day he had first congratulated the House on the acquisition of his abilities; it had been his pride to fight side by side with him the battles of the Constitution, little thinking that he would one day desert his principles, and lend himself to be the instrument of that secret influence, which they had both combated so successfully. He might have been prepared to find a formidable rival in the right honourable gentleman, a rival that would leave him far behind him in the pursuit of glory; but he never could have expected that he would have descended so low as to be the persecutor of any man. "I [illegible] I saw," said Mr. Fox, "so [illegible] heroisity of soul, so much elevation of mind, that [illegible] grovelling passion could not have found an asylum in [illegible] breast. If he thinks that it is necessary for [illegible] seat in Parliament that I am contending, he knows me not. But I was willing to take the hard task of stemming the tide of misrepresentation, that had artfully and studiously been disseminated through the kingdom. I was desirous that the citizens of Westminster, to whom my public measures were best known, who knew even my private follies, as I had been bred and always lived among them, should pass judgement on my political conduct, and proud I am of the issue, which has taught the more distant parts of the kingdom that they were misled." As to the election for Kirkwall, it was owing, he said, to an accident; and he declared, upon his honour, that after he had heard the greatest ornaments of this country had been sacrificed to the popular prejudices, when he heard that Lord John Cavendish had been thrown out by the citizens of York, that General Conway and Mr Coke had lost their elections, he was sorry that, by an election for any other place than Westminster, he had been robbed of the glory of suffering in such company. He saw plainly, he said, that it was a pecuniary contest, and that his friends were to be tired out by expences. The scrutiny on both sides could not cost less than 30,000l. a year: this

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was enough to shake the best fortunes. His own last shilling might be easily got at, as he was poor; but still, little as he had, he would spend to the last shilling: if, in the end, he should lose his election, it would not be, he well knew, for want of a legal majority, but for want of money; and thus would he, perhaps, be deprived of his right, and the electors of Westminster of the man of their choice, because he was not able to carry on a pecuniary contest with the Treasury. He would not, however, withhold from them the satisfaction of knowing, that however zealous he and his friends might be, protraction must overcome them. His persecutors had only to be stubborn, and they must succeed. He said that he considered the present measure, with respect to Westminster, as a succedaneum to expulsion. The case of the Middlesex election, which had been so much reprobated, had at least the merit of being more manly; for here they accomplished the same end of expulsion, without daring to exhibit any charge against the person whom they expelled. It had been alledged that the bad votes had, on his part, been poured forth from the parishes of St. Margaret and St. John. Without dwelling on the circumstance, that this had been said of every parish in its turn, he would appeal to the good sense of the House, and ask them whether they thought him or his agents so absurd and impolitic as, even in the supposition of their using such means, that they should confine themselves to one parish only? Would they not at least have mixed their votes, and spread them over all the parishes, that they might the more probably pass unnoticed? Those who were willing to charge his agents with the iniquity of such means, would hardly suspect them of the folly of such an arrangement of the plan. Supposing that by the calculation of there being two hundred bad votes in one-fourth part scrutinised, that in the end there would be eight hundred bad; was that any proof that his opponent would have a majority? Had any of the proceedings warranted such a belief? Certainly they had not, and when the Minister, who, instead of an advocate, should have acted as a judge, mentioned St. Anne's parish, he should also have mentioned St. Martin's; but that he purposely forgot, because it would make against his calculation. In St. Anne's, where he stated the difference to be as five to three bad on the side of Mr. Fox, it was easily calculated, and would be found to be as seven to five; therefore, even supposing that Sir Cecil should strike off seven in every hundred of what he had polled, and he only five ou of every hundred of his opponent's, still he should have a majority of one

one hundred, for by that mode Sir Cecil would ſtrike off four hundred and thirty-four, and he ſhould ſtrike off three hundred, but in St. Martin's pariſh the difference, on the groſs amount of the poll, was not more than thirty, and the number diſqualified on each ſide would be equal. But if the doctrine was ſuffered of returning officers having a right to make no return, on a ſcrutiny being demanded, and the appearance of bad votes would be ſufficient grounds to demand a ſcrutiny, it would be in the breaſt of Sir Cecil Wray, or any loſing candidate, to pour in bad votes, on purpoſe to give a colour for a ſcrutiny, and by that means keep a gentleman out of his ſeat for three or four years Among the various parliamentary reforms, which the Miniſter was pledged to bring forward, was one for ſhortening the duration of Parliament, but by the maxim adopted, the election would laſt longer than the Parliament. The Committee who tried the Bedford petition, did not think themſelves bound to go into the merit of the petition, but decided the one vote in diſpute, and made their officer make his return, ſo in every caſe that ever came before Parliament, the like cuſtom had been purſued. The right honourable gentleman (Mr. Pitt) had been, he ſaid, arguing on falſe facts and abſurd hypotheſes, and had not choſen to mention the delays occaſioned by Sir Cecil Wray's making wanton objections to votes that he could not ſuſtain. And he muſt ſay of Lord Hood, that he had been rather patient and ſubmiſſive, if not negligent of the intereſts of the city which had ſo handſomely honoured him with their choice, in not ſtriving to do them juſtice in ſo far at leaſt as his own ſeat was concerned. His election was unqueſtioned by all ſides, and yet, under the ſame ridiculous and unwarrantable meaſure, he alſo was kept out of his ſeat, and Weſtminſter continued totally unrepreſented. He concluded with declaring that if, to his aſtoniſhment, the Houſe ſhould be ſo far infatuated by party as to forget this night what was due to the rights of election, and the purity of repreſentation, the queſtion ſhould not ſleep. He aſſured them it ſhould be brought on in one ſhape or another again and again, and he had no doubt ultimately of ſeeing them come to a determination favourable to the People.

Mr. *Dundas* ſpoke to the following effect:—The right honourable gentleman over the way muſt excuſe me, if I forbear from entering into all the ſubjects which he has introduced into his ſpeech. Situated as I am, it is neceſſary, however, that I ſhould ſay thus much to him, in anſwer to his vehement declamations againſt the India Board, that when Mr Dundas

the proper day comes, I shall not be afraid to measure swords with him on that subject; but until then, I shall take the liberty to consider, and I am sure this House will also consider, these daily declamations against that Board as mere, wanton, coarse obloquy, which the right honourable gentleman has got such a habit of introducing upon all possible subjects, that even the Westminster scrutiny, however remote from the subject of India, is not to be excepted.

With respect, Sir, to the character which he has drawn of the right honourable gentleman near me, the best answer I can give him is, by reducing all his high-flown language upon that subject into common sense and plain English; and I would then ask any man in the House, whether the sum and substance of all his declamations on this head are more or less than this — that when first he discovered the right honourable gentleman's rising into notice in this House, he was earnestly desirous of connecting him with his party; he was anxious to take him under his protection and tuition; but as soon as ever he found the right honourable gentleman unwilling to submit to his trammels, and determined to think for himself, from that time he had resolved to set him down for the most haughty, corrupt, unconstitutional, and dangerous man and minister that ever this country had produced. It is just thus indeed that the right honourable gentleman over the way has at all times thought proper to monopolise all patriotism, all public principles, all love of liberty, to his own single self — "I am the palladium of the liberties of the "country, I am the champion of the Constitution, I am the "only man of the People, I am the single Atlas of this free "state" — This, Sir, is the language, and these are the precise arguments which the right honourable gentleman applies now, and always has applied, to all debates, at all times, upon all subjects, against all Ministers, in all the exigencies of his case. He accuses my right honourable friend of presumption, but I appeal to any man whether the panegyric which the right honourable gentleman has this day made on himself, did not consist of praises so profuse and extravagant, and of flattery so gross, that I am sure there is not one of his friends that would have had the indecency to load him, before his face, with half the praises which, in this moment of boasted modesty, he has thought it so becoming to heap upon himself.

If, therefore, I should feel a little insensible both to the praises which the right honourable gentleman heaps upon himself, and to the abuse which he pours upon us, (of which certainly

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certainly I have the honour to receive no small share) I hope, Sir, I have explained what it is that has rendered me thus callous. The time was, when his invectives fell with some sensible force and efficacy on the ministerial band whom he was opposing, but when I see him pouring forth alternate praises and execrations on the same men, according as they are his political friends or foes, he must excuse my telling him that all his violence, all his sarcasms, and all his insults, are not capable of irritating any one single passion in my breast; and I may hope even, that in the vicissitudes of political affairs, the time perhaps may come when I may be recompensed for all the grossness of these declamations, by the most unbounded panegyrics on my virtues, my talents, and my political character. In the mean time, my mind is at perfect ease, because I know, and all the world knows with me, that the right honourable gentleman considers the actions and characters of public men as things entirely subservient to his own political views, nay, and to his views at the mere moment when he is speaking.

Having said thus much on the subject of the India bill, and on the respective characters of the two right honourable gentlemen, which I have been so necessarily led to do, I shall confine myself now to the true question before the House. and, in the first place, since the right honourable gentleman is for ever exclaiming how the Constitution is violated, I must beg and insist on a plain answer to this plain question— Whether, in the election of Vandeput and Trentham, the Constitution was not just as much broken as now? That scrutiny, Sir, lasted for fifteen months, and this has lasted eight months. Where were then the violated rights of the electors of Westminster? Where was then this ruin to the Constitution?

Was not Westminster just as much unrepresented as now? Were not taxes laid on the inhabitants of Westminster, without their consent, just as now? Was not every evil, every inconvenience, every outrage on the Constitution, as flagrant in that case as in the present? And yet, Sir, if we look into the debates in those times, we find not one syllable was ever uttered about the danger to the Constitution, not one syllable of all that language which is so familiar in the mouth of the right honourable gentleman on this and on every question. It is said always, that that was an election in the case of a vacancy by death, and this on a general election; but what difference does that make to the Constitution? Sir, I do maintain, therefore, that the Constitution is likely

to go on as well after this ſcrutiny in the city of Weſtminſter, as it did after that of Vandeput and Trentham; and when the right honourable gentleman tells us, that in his capacity of champion of the Conſtitution, he cannot ſit ſilent, he cannot reſt, he cannot ſleep, until the vote of the Houſe is reſcinded, and the outrage is repaired, I ſhall aſk him how he has ſlept ſince the year 1750; for it is ridiculous to contend, that the circumſtance of its having been then a vacancy by death, and not by general election, can be any ſalvo to the rights of the Weſtminſter electors, or any ſafeguard to the Conſtitution.

Why, Sir, ſuppoſe this election had happened, in either of thoſe two caſes, when Weſtminſter became vacant by the right honourable gentleman's becoming a Secretary of State, Weſtminſter might then have ſuffered preciſely the ſame disfranchiſement, and the Conſtitution have had the ſame wound which it has received, and yet all would have been exactly according to law and according to precedent, and in truth, Sir, if we examine the reſpective hiſtories of the times, we ſhall find a great reſemblance in the two caſes, and in the two elections. There were then the ſame exertions, the ſame contentions of the ariſtocracy, the ſame intrigues as now. Both the great men and the great women of the country were ſeen to uſe the ſame condeſcenſions in both caſes, and I will add, that there were the ſame affected delays in both caſes, in point of delay, however, there has been this difference, that in the year 1750, above 1400 votes were ſcrutinized in five months, and in the preſent caſe not two hundred have been gone through, even in the enormous time of eight months. Will any man then deny what one of the reſolutions in the arrangement takes notice of? That this Houſe is not ſatisfied that there has been no unneceſſary delay in the ſcrutiny? And, Sir, I appeal to any man, whether it has not been proved at your bar, that it has been the wiſh, the deſign of Mr Fox to procraſtinate the deciſion of the ſcrutiny.

The High Bailiff has told you, Sir, that he all along underſtood St. Margaret's and St John's to be the pariſhes where the chief ſuſpicion lay and I maintain, that he had a perfect right, without the conſent of either of the parties, to have proceeded firſt to thoſe pariſhes but Mr Fox, he tells you, inſiſted that this would be a partial arrangement, and it was agreed to ballot which pariſh ſhould come firſt. It is known, that the pariſhes in queſtion come next in turn, and I would appeal therefore to the common ſenſe of the Houſe,

House, whether it is not reasonable, natural, and by all means expedient, that the High Bailiff should be permitted to pursue his scrutiny, at least into this parish, being informed at the same time, that as soon as ever he is capable of satisfying his judgement, he is at perfect liberty to make his return.

The House has already gone the length of determining a scrutiny to be legal, even after the return of the writ, should the circumstance of the case demand it; and truly, Sir, how much more dangerous would it be to the Constitution, if it should become a settled point, that all scrutinies are unlawful, and that if a sufficient number of men are found, who will take their oath at the hustings, every writ must be instantly made up, however notorious the invalidity of votes may be, and must be thrown upon the table of this House. The truth is, that the right of voting in Westminster is not sufficiently ascertained, and a bill is wanted, therefore, for this purpose: but, Sir, we must not decide against the law of the land; we must not contradict the analogies of law in these cases, we must permit scrutinies, where the necessity of them, in order to form a right judgement, is clear; and if any thing is wanted, in order to expedite and facilitate such cases in future, a new law must be made for the purpose.

Mr. *Fox* rose again, and said, the honourable and learned gentleman might entertain himself and the House with abusing him, as much as he pleased, but so far at least as the representative of the electors of Westminster, he felt too gratefully for all their kindness to him, to stand tamely by while they were abused in the grossest and most groundless manner. The assertion, that he had ever used the electors of Westminster as the instruments of sedition and faction, since he had the honour to hold a seat in the House as the representative of that city, was a direct falsehood. He never had entertained the most distant idea of so indecent a liberty, and had he had the presumption and the folly to attempt any thing like it, the electors of Westminster had too much sense, too much loyalty, and too proper a regard for consistency, and the preserving of a line of conduct becoming peaceable, but spirited and respectable, citizens, conscious of their own rights, and jealous of their preservation, to have submitted to so improper and scandalous a prostitution of their partiality towards so unworthy an individual as himself. Mr. Fox said, the honourable and learned gentleman had repeatedly misquoted the evidence of the High Bailiff, Mr. Hargrave, and Mr. Murphy, and upon that misquotation had grounded much abusive Mr. Fox.

abusive argument and false reasoning. This he would prove by moving, that the whole of the evidence might be read through, were it not so late an hour, that he would not add to the fatigue of the House, by detaining them for any such purpose.

Mr Dundas. Mr. *Dundas* rose again, and declared, that in his opinion, the honourable gentleman, since he sat for Westminster, had used the electors of that city as the instruments of his sedition. It was his opinion, and he should persist in declaring it.

Mr. Le Mesurier. Mr. *Le Mesurier* having been referred to by Mr. Fox in his first speech, by a question relative to the number of bad votes in Southwark, thought it incumbent on him to rise and explain. Mr. Le Mesurier said, it was rather a delicate question, as he was a sitting member against whom there was a petition depending, nor could he indeed answer. He said farther, as Mr. Fox had termed him a gentleman of Indian connections, he felt it necessary to say, that the only Indian connections he had, were these: he was a proprietor of India stock, and had the honour to have a seat at the Direction Board, but he had no connection, civil or military, in India; neither had he the slightest expectation of forming a connection in Asia, by sending out a brother, a son, a nephew, or any relation whatever. Mr. Le Mesurier said, he had been drawn into public life much earlier than he had ever thought he should be, and, unworthy as he was, the electors of Southwark, whose interests he should ever think it his duty most sedulously to attend to and promote, had done him the honour to elect him their representative in Parliament.

The question being loudly called for, the strangers were desired to withdraw.

Mr Martin rose afterwards, and spoke for a few minutes.

The question was then put, "That all the words after the "word 'That,' stand part of the motion." Upon this the House divided,

Noes	- -	174
Ayes	- -	135
Majority		39

The question was then put on the amendment, and carried. The following words were moved to be inserted in the middle of the amended motion, after the words "as it might have been," "Although the High Bailiff and Mr. Hargrave have "informed the House, that there has been no culpable delay, "nor has there been any practicable plan suggested for car-"rying it on with greater expedition,"

This

This farther amendment was negatived.

The High Bailiff of Westminster was immediately called to the bar, and the resolutions contained in the motion just carried, were read to him by the Speaker from the chair.

The High Bailiff begged to be indulged with a copy, which was ordered to be made out for him.

Colonel *Fitzpatrick* then rose, and gave notice, that as he thought it his duty to have the petition he had presented a few days since from the electors of Westminster fully discussed, he should procure a proper petition from the electors, praying that they might be heard by counsel at the bar, and present it on an early day. Col. Fitzpatrick.

Adjourned at half past six in the morning.

February 14.

Lord *Beauchamp* said, as it was understood that in consequence of the reduction of the number of seamen voted for the service of the year from 24,000 to 18,000, and the proportionate reduction of the number of marines, there would be some reduction of marine officers, he thought it highly necessary that an account of the intended reduction, in this instance, should be presented to the House, and laid upon the table. His Lordship stated the practice when any reduction of the army was about to take place, and particularly adverted to the four regiments which it had been intended should have been reduced last year, but which, he understood, were now to continue on the establishment, he mentioned the manner in which the intended reduction of those regiments had been noticed to the House, and called upon the noble Lord opposite to him, or some member of the Board of Admiralty, to state why a similar mode had not been adopted in regard to the intended reduction of marine officers? Lord Beauchamp.

Mr. *Hopkins* stated the customary mode of proceeding where a reduction of marine officers was intended, which fully justified the conduct of the Board of Admiralty in the present instance. Mr. Hopkins.

Lord *Mulgrave* also reminded the noble Lord of the essential distinction between the military and marine service with regard to officers. The officers in the army often purchased their commissions under a sort of assurance, that the regiments they purchased into should not be reduced, whereas in the marine corps, the officers rose uniformly by seniority. His Lordship applied this remark to the circumstance alluded to by the noble Lord, and thence maintained, that the reduction now about to be made was a reduction of course, and a Lord Mulgrave.

3 reduction

reduction that would be governed by the ordinary modes of proceeding, when reductions in the marine corps were deemed necessary.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* rose to observe, that one hundred members not having attended on Friday, agreeable to Mr. Grenville's act, the House could not proceed to business; consequently the orders, that then stood the orders of the day, were no longer in existence. Among others, gentlemen would recollect, that there had been an order for the House to resolve itself into a Committee upon the Newfoundland supply bill, he meant therefore to move, that the House did then resolve itself into a Committee of the whole House on that bill, but he did not intend to move to revive the order for the attendance of any persons to be examined as witnesses, being fully convinced from reflection upon the subject, that such an examination was wholly unnecessary under the present circumstances of the case, and that the House might with great propriety proceed to pass the bill, upon the notoriety of the reasons that rendered such a bill necessary. The reasons that had induced him to come to this opinion, Mr. Pitt said, he would not trouble the House with then, but would state them in the debate, should the House appear desirous of hearing them. He concluded with the usual motion, "That the House immediately resolve itself into a "Committee of the whole House on the Newfoundland supply bill."

Mr Alder. Watson. Mr. Alderman *Watson* said, he had moved for several gentlemen who were respectable merchants of London, and one of them a gentleman from Canada, to attend, in order that they might afford the House that information that he conceived they ought to have, before they could judge of the necessity for passing any such bill or not. Those gentlemen were then attending, and would be able to prove at the bar, that no such bill was necessary; that the average prices of bread and flour in Great Britain had been considerably cheaper than the average prices of bread and flour at Philadelphia, or in any part of the United States of America, for a stated number of years: that this country was fully able to supply Newfoundland with bread, flour, and live stock; but if by any accident the merchants here were prevented from sending out a proper supply of provisions, a very considerable one might be drawn from Quebec, as good and as cheap as from the United States, and that consequently there could not exist any reason why the trade of Great Britain and her colonies should be delivered over to a foreign power.

Mr.

Mr. *Cruger* rose to controvert Mr. Alderman Watson's assertion relative to the province of Canada being capable of supplying Newfoundland, he knew not, he said, whether the motive for the assertion was interest, or prejudice, or that worse impulse, an inveterate attachment to the spirit of monopoly, for which some of the Canadian merchants were remarkable. Mr Cruger said, he left the country only last August, and while he was in Philadelphia, two ships in which Mr. Blakes of London had a principal concern, came there to be freighted with flour for Canada, where there was a great scarcity. The flour cost 13s. the hundred weight at Philadelphia, and sold for 22s. at Quebec. This was a fact which he well knew, and in order to be more correct in it, he had very lately seen Mr. Blakes in town, by whom he was assured, that a profit of forty per cent. was made upon the cargoes. Mr. Cruger reasoned upon this fact, and urged the expediency of encouraging the United States to continue their commercial intercourse with us as much as possible, he said our glory depended on our wealth, and that were it not for our commerce, we could not have afforded to have carried on a war with America for five years together, at the expence of one hundred millions of money. He spoke, therefore, as a merchant, whose attachment was to Great Britain alone, and who regarded her prosperity as superior to every other consideration. He declared his wish, that the bill might proceed as it was. Mr. Cruger.

Lord *North* said, the present bill did not turn upon any general principles, that would admit of general reasoning, but upon facts. The House had heard an assertion of the worthy Alderman's contradicted by an assertion of the honourable gentleman who had just sat down: here, therefore, was assertion against assertion; the fact was at issue, and it remained for the House to try it. As no way could be adopted so proper for ascertaining which assertion was the true one, as hearing evidence, he hoped there would not now be any objections made to the worthy Alderman's proposition, and as the witnesses were ready to be examined, he hoped the House would call them to the bar Ld North.

Mr. *Holdsworth* explained the nature of the present bill, and its origin: he spoke in so low a tone, that we could not hear one half he said. We heard him, however, state, that all the parties interested in the subject of the bill, viz. the merchants of London, the merchants of Poole and Dartmouth, and the merchants of Canada, had given evidence before a Committee of the Privy Council, and that the bill was a sort of compromise among them all. Mr Holdsworth.

Mr. Fox.

Mr. *Fox* denied, that the bill was any ſort of compromiſe, as was evident from the preſent oppoſition to it on the part of the merchants of London, and the Canadian merchants, but from what the honourable gentleman had ſaid, he conceived, that the Houſe was called upon to give Government confidence upon their aſſurance that what had come out before the Committee of Privy Council, made the bill proper to be paſſed. Now he was ready to give that confidence, provided he was ſure that ſuch confidence was neceſſary, and more than was neceſſary to be given to Miniſtry on any occaſion by that Houſe, undoubtedly ought not to be given. [Mr. Pitt nodded aſſent]. Mr. Fox declared, he for one had not made up his mind upon the ſubject, and before he did ſo, he ſhould be glad to hear it farther diſcuſſed. He wiſhed, therefore, that the worthy Alderman's witneſſes might be heard, and perhaps it would be neceſſary to hear the teſtimony of others, not only thoſe, who could ſpeak on behalf of the merchants of Poole and Dartmouth, but alſo thoſe who had a local knowledge of the iſland of Newfoundland. It might be proper to call Admiral Campbell to be examined, who could certainly have given the Houſe a great deal of information well worth their hearing; indeed, he had ſome thoughts of moving for that purpoſe, but he did not know that the bill would have come under conſideration that day, having expected that the buſineſs of the army was to have been the ſubject of diſcuſſion, and he did not chuſe to give Admiral Campbell the trouble of coming down to that Houſe on a fruitleſs errand. Mr. Fox added ſome obſervations as to the want of any ſort of proof that the Houſe had, that the bill was at all neceſſary.

Mr. Jenkinſon.

Mr. *Jenkinſon* thereupon roſe to give the Houſe all the information in his power, declaring at the ſame time that he believed he knew rather more of the bill than any other gentleman, from having been one of the Committee of the Privy Council who had inquired into the matter. Mr. Jenkinſon recapitulated what he had mentioned upon the ſubject laſt Monday, repeating the fact of Admiral's Campbell's having granted permiſſion to ſome ſhips freighted with proviſions from the United States to unload, and diſpoſe of their freight at St. John's in Newfoundland, relating likewiſe the progreſs and circumſtances of the inquiry it had occaſioned here at home. The Committee of Privy Council, he ſaid, had examined witneſſes ſent by all the parties intereſted, and had heard aſſertions of the moſt poſitive nature contradicted by aſſertions equally poſitively given; at length, after a long inquiry, it appeared to them to be abſolutely neceſſary to

come

come to Parliament with the business, but, as the matter required a great deal of deliberation, it was thought prudent to prepare the present bill, (which was meant merely as a bill of experiment, to be in force for seven months only) and to pass it as a temporary measure to quiet the minds of all concerned, and to prevent the possibility of Newfoundland's being again distressed for provisions as she was the last year, in consequence of no provisions having been sent out from home, leaving the subject open for subsequent and more serious deliberation. Mr. Jenkinson stated, that Canada one year, and that nearly ten years ago, had grown and exported vast quantities of flour; but, from that time to the present, she had been obliged to send to Philadelphia and elsewhere to buy provisions, and that in fact Quebec was not a flour country. There was not much likelihood, therefore, of Canada's being able to furnish Newfoundland with a complete supply, much less with a supply equal to what could be furnished from this country. Mr. Jenkinson complimented Mr. Fox on his candour.

Mr. Alderman *Watson* rose to explain he declared he had not gone so far as to say, that Canada could furnish a supply equal to the supply that could be furnished from this country, but that when the merchants here did not send out a supply, a considerable supply might be obtained from Canada. The Alderman urged the propriety of the House's hearing his witnesses, who would prove what he had asserted in his former speech, and declared that he did not merit any part of the insinuation of an honourable member (Mr Cruger) relative to interest, prejudice, or an attachment to a spirit of monopoly, for it was known he had been out of business above two years, and had no interest whatever in the views of the Canadian merchants, nor indeed in the subject, farther than that of duty as a member of the British Parliament, bound to do his utmost for the preservation of the commerce of the country. Mr Ald. Watson.

Mr. Cruger also rose to explain, and said a few words in defence of his former speech.

Mr. Chancellor *Pitt* rose to state his reasons for deeming the examinations of the gentlemen then attending unnecessary. He stated first the extreme necessity of dispatch in passing the bill, if passed at all, then the impossibility in regard to justice and fairness, to hear witnesses on behalf of one of the parties interested, unless they proceeded to hear the witnesses of the other parties, which could not be done without a great accumulation of delay; and lastly, that the present Mr. Chancellor Pitt.

 bill

bill did not at all affect the interests of the several parties alluded to, because, considering the existing law to be, as he assumed it to be, viz that an unlimited intercourse between the United States and America was not prohibited by any known statute, if no bill passed, a much larger field for competition would remain open, which could not but operate in a greater degree to the prejudice of the merchants of London, the merchants of Poole and Dartmouth, and the merchants of Canada.

Mr. Eden. Mr. *Eden* said, that though it was not peculiarly regular to debate the propriety of admitting witnesses, when there was not yet any question for their admission before the House, he believed it would ultimately save time to blend that consideration with the discussion of the more general question for committing the bill Gentlemen seemed to infer, that because it was a bill of great moment, they ought to proceed to the technical business of filling up the blanks without farther information, that because the Committee of Council had found it an inquiry of difficulty, and open to much contradictory evidence, it would be expedient for the House not to be troubled either with inquiries or evidence, and that because the Committee of Council had satisfied themselves that some measure was absolutely necessary to secure a plentiful and cheap supply of provisions to Newfoundland, the measure now brought forwards ought to be adopted by Parliament without demur or hesitation; and that the doors of the House should be kept shut against a crowd of respectable merchants belonging to the city of London and the province of Canada, although a representative of London had declared that those merchants were desirous to be heard on the proceeding, as greatly affecting both their personal interests and the general interests of the British empire. An honourable gentleman had said, that witnesses were unnecessary, because it was notorious that Quebec was not a flour country, and that flour and bread had been sent last year from Philadelphia to Canada. It was a plain and true answer to this, that, from a severity of seasons, there had been a scarcity of corn last year in the province of Quebec; and one object of calling witnesses, as stated by the worthy magistrate, was to shew that Quebec was this year well able to supply the fisheries, and at half the price which was paid last year. If Quebec was not to be a flour country, her prospect was melancholy indeed; for the unhappy and disgraceful, and unnecessary destruction, which had been made in all her hopes of the fur trade by the provisional articles, had left her without any other resource.

source. Gentlemen had talked of wealth being a foundation of glory; they would have expressed themselves with more propriety, if they had talked of agriculture as the foundation of wealth. Respectable gentlemen from Canada were attending to shew that the improvements of their province would be injured by the proposed bill; merchants of London requested also to be heard; and Parliament would refuse to hear them. There was in this something so harsh, so unbecoming, and so unprecedented, that he had attended to the reasons with peculiar anxiety, to find them sufficient, when known abroad. Those reasons all ended in this single point, that receiving evidence would occupy some time, and that it would be injurious to the fisheries if certain means of supply were not immediately settled. This argument might have come consistently enough from him, who contended that there was not at present any trade legally subsisting between the United States and the Colonies; but it came strangely from those who said that the trade and intercourse was at present completely open, and not subject to any limitations. This, however, was one of those consequences which naturally result from the adoption of a mistaken principle. Besides, was it so perfectly clear that the authorising British ships to bring provisions from North America, would tend to make provisions more plentiful in Newfoundland? Perhaps that very circumstance was most likely to add to their scarcity. The market of Newfoundland could only consume a limited quantity; every thing beyond that quantity would be a loss to the importer: and was it not probable, that the British market on this side of the Atlantic, and the American on the other, might equally hesitate, under the uncertainty of sending to a glutted market? Such hesitation would increase the scarcity which this bill meant to remove. There was another objection; the freights of the British merchant would be lessened—the price of his fish must be raised. Another objection arose from the facilities to be given to smuggling; and another from thus quitting the old policy, and encouraging a resident inhabitancy of Newfoundland. Still, however, if the expediency were clear, it was at least right to receive the informations of the merchants upon it: was it to be feared that too much knowledge of the subject would do mischief? Still farther, if it were urgent, it did not follow that the relief might not be given in another mode, and under the discretionary powers of the Council, which might be prolonged for that purpose. He insisted

much

much on that, being extremely unwilling to introduce systems, by act of Parliament, contrary to that monopolising system, which, however described by theoretical writers, must be considered as the rock of salvation and strength to this country, under the pressure of all her debts and taxes. He would never consent to swerve from that system, without being convinced of the necessity.

Mr. M. A. Taylor

Mr. *Michael-Angelo Taylor* rose to state, that the merchants of Poole wished exceedingly to know by what means Newfoundland was to be supplied this season, that they might then take measures accordingly. Mr. Taylor said, the Poole ships were now empty, their owners waiting to know what bill Parliament passed before they freighted; and as the time for sailing for Newfoundland was in the month of March, it was highly necessary that the bill, if it were to pass, might pass with as little delay as possible.

Mr. Fox.

Mr. *Fox* rose again, and said, it was evident that His Majesty's Ministers had deemed some bill necessary, and had brought in the present with a view to learn what the House thought of it. He had already said, he had not made up his mind upon it. He really had not; but thus much he was prepared to say, that he did not conceive it would, upon farther investigation, turn out, that a bill was the best medium for surmounting the difficulty that had occurred. He thought in a case of that kind, as that His Majesty's Privy Council were familiar with all the circumstances, it would have been better to adjust the matter by a proclamation of the King in Council, especially as the object was avowed to be a temporary experiment. He wished to know why it could not be done that way?

Mr Jenkinson.

Mr. *Jenkinson*, in reply, said, the opinion of the Attorney and Solicitor General had been taken, and they had declared, that it could not be done by a proclamation, as the act, enabling His Majesty in Council to issue proclamations for the regulating a commercial intercourse between Great Britain and the United States of America, would expire before the object of the present bill could be effected. The law officers of the Crown having, therefore, given a decided opinion, that a proclamation of the King in Council could not be issued with effect, Government had no choice but to come to that House, and bring in some bill or other.

Mr. Eden.

Mr. *Eden*, in a short speech, stated the words of the act, and asked how Ministers could venture to issue proclamations, under the same act, touching the West-India Islands,

if it would not serve for Newfoundland? Mr. Eden also again argued on the extraordinary conduct of the House in refusing to hear merchants of London upon a bill, in which they declared their interests to be immediately concerned.

Lord *North* said, it had been an established general principle that a mother country ought to hold the monopoly of trade to her Colonies; but as there was no general principle which would not admit of deviation under peculiar circumstances, so it probably would, in the instance of Newfoundland, and he therefore should, he believed, vote for the present bill. But whenever a general principle was deviated from, the question was, to what degree the deviation should be extended? In the present case, putting the same construction, for the sake of argument, upon the laws of trade as the honourable gentleman on the opposite side of the House did, he was ready to [illegible] restriction of some sort, with regard to Newfoundland, was necessary, but then the question was, how far the restriction should go? Now, when a general principle was so far questioned, that it was contended that the circumstances of any given case rendered [illegible] necessary to [illegible], the *onus probandi*, to what extent the deviation should be carried, lay on those who maintained that it was necessary to deviate in any degree from the general principle. Upon the force of this reasoning, his Lordship urged the necessity of hearing the worthy Alderman's witnesses. L. North.

Mr. *James Luttrell* contended, that our merchants did not carry on the fisheries at Newfoundland, but were merely the carriers of provisions there, and that consequently the persons to be supplied were as much the objects of consideration before the House as those who desired to be heard. Mr. Luttrell produced extracts from two petitions, which had been presented to the House in 1774 and 1775, on the subject of supplying Newfoundland, the one from the merchants of Poole, the other from those (either of London or) of Dartmouth. He read them, and applied them to the present case. Mr James Luttrell.

Mr *Eliot* questioned the consistency of Lord North's argument, stating two parts of it contradictory. He also said, that the arguments of the gentlemen, who had objected to going on with the bill in its present state, seemed to him to amount to a confession that, as far as it went, they allowed the bill was good; but that, conceiving it might be rendered Mr Elliot.

dered ſtill more beneficial, they were unwilling to take the good that it confeſſedly carried in it.

Lord North explained.

Mr. Le Meſurier. Mr. *Le Meſurier* ſtated the ſort of connection that ſubſiſted between the iſlands of Jerſey and Guernſey, and the iſland of Newfoundland, and gave the Houſe a circumſtantial account of the nature of the traffic carried on, and the mode in which it was conducted, deducing from the whole of what he ſaid ſome arguments in ſupport of the reaſoning of his brother Alderman.

The queſtion being loudly called for, the Speaker put the queſtion, "That the Houſe reſolve itſelf into a Committee," which was carried. He was proceeding to put the queſtion, "That he leave the chair," when Mr. Eden roſe, and deſired to know whether the worthy Alderman did not intend to inſiſt upon his right of motion, "That the witneſſes be called "to the bar;" a motion which Mr. Eden ſaid would be, he conceived, more regular while the Speaker was in the chair, than after the Houſe had gone into a Committee.

The Speaker confirmed this obſervation, and ſtated the uſual mode of proceeding.

Mr Ald. Watſon. Mr. Alderman *Watſon* then roſe, and ſaid, he certainly did mean to make a motion for a witneſs to be called in; but, previous to his doing ſo, he begged leave to ſtate, that he conſidered the bill as a bill of great moment and importance, ſince upon it would depend the grand queſtion, whether Great Britain ſhould keep her trade in her own hands, or give it to foreign powers? After expatiating at large on the powers of Great Britain to ſupply Newfoundland much cheaper than the United States could do, he ſaid, the object of thoſe who were moſt anxious to get the bill paſſed was not to ſupply Newfoundland with bread or flour, or live ſtock, but in order to ſmuggle New-England rums, made from French molaſſes, into Newfoundland. He laid great ſtreſs on this aſſertion, and deſcribed the nature of the trade that would be carried on under ſanction of the bill, if it paſſed. He aſked whether France allowed the United States to ſupply her Weſt-India Iſlands with proviſions? So far from it, the intercourſe had been expreſſly forbade not a month ago. The reaſon was obvious. Why then ſhould we do that which France, who was more immediately connected with the United States of America, thought it good policy not to do? He declared we might juſt as well paſs a bill, permitting France herſelf to ſupply Newfoundland with proviſions

ſions as the United States. He argued upon this, and concluded with moving, "That Richard Birkwood, Eſq. be "called in."

Mr. *Beaufoy* ſpoke to the following effect: — The arguments for hearing evidence at your bar on this occaſion, ſeem to be principally founded on the ſuppoſed importance of the facts brought forward to your notice by the honourable Alderman who ſpoke ſome time ſince in the debate. To examine theſe facts, and to conſider how far, if proved, they would be material, is, therefore, the natural courſe of deliberation. I liſtened with attention to the honourable Alderman as one of the repreſentatives of the firſt commercial city in the world; but great indeed was my ſurpriſe when I found that the facts he produced, and the arguments he urged, led to concluſions the reverſe of thoſe which he laboured to eſtabliſh. He endeavoured to prove that the regulations of the preſent bill are incompatible with the intereſts of our Weſt-India ſettlements, and deſtructive to their commerce; while to me it appears evident, on his own ground, that the bill is peculiarly formed to *defend* their intereſts, and to *protect* their commerce: for if the intercourſe between the ports of the United States and thoſe of Newfoundland, in Britiſh bottoms, be an evil, it neceſſarily follows, that whatever narrows and circumſcribes that intercourſe, muſt limit and curtail the evil. Mr. Beaufoy.

As the law now ſtands, the intercourſe in Britiſh ſhips between the iſle of Newfoundland and the dominions of the United States is without limitation or reſtraint; but this bill confines that intercourſe to ſuch Britiſh ſhips as ſhall have obtained, either in England or Ireland, a licenſe for the purpoſe. What then is the honourable gentleman's language? He firſt complains of a grievance to the Weſt-India ſettlements, and then oppoſes the very means of diminiſhing that grievance, and of reducing it within the narroweſt bounds. I am perſuaded the merchants and planters will not thank him for his zeal.

Perhaps it may be ſaid, (for this opinion, from what we have juſt heard, appears to be ſtill maintained by a noble Lord) that the intercourſe, even in Britiſh ſhips, between the ports of Newfoundland and thoſe of the United States is at preſent unauthoriſed by law. This opinion can only be founded on an idea that the Cuſtom-houſe officers in Newfoundland have a right to demand from a veſſel arriving from any of the ports of the United States, the ſame mani-

fests and certificates that they would have a right to demand if the vessel arrived from a port in the British dominions.

Now I assert with confidence, for I am sure the assertion will not be disproved, that the Custom-house officers in Newfoundland have no right to demand a manifest or certificate from a vessel arriving from any other than a British port. If the vessel arrives from a foreign port, those documents are not demandable.

I may be asked, perhaps, for this was repeatedly asked a few evenings since, what sufficient evidence, what legal proof the officer has that the American port, from which the vessel arrives, belongs to the United States? On what legal evidence does he know that Boston and Charlestown are not, as formerly, ports of the British dominions? — I answer, he knows it on the same evidence on which he knows that Surinam is no longer a British colony: he knows it on the same evidence on which he knows that Martinico is no longer in His Majesty's possession, and that Tobago is no longer ours: he knows it on the evidence of proclamations and of British treaties. And here I must state a distinction which, however obvious, has, in argument at least, been overlooked, between treaties that are British, and treaties that are foreign. The last, the Custom-house officer is not bound to know, but of the former it is his duty to be informed; for they are a part of the law of the land. To these grounds of legal knowledge must be added that of public notoriety, upon which the officer may unquestionably act without the smallest risque of censure from his superiors, or of removal from his place; without any possible diminution of character or loss of situation

But I am ashamed, Sir, to pursue this discussion any farther, since nothing can be so uninteresting, for nothing is so trivial, as a debate between common sense on the one side, and legal refinements, founded on no principle, on the other.

Without dwelling, therefore, any longer on this sort of reasoning, it is sufficient for me to observe, that, in fact, the intercourse in British ships between the ports of Newfoundland and those of the United States has, for the two last years, been actually established.

Hence it follows that the present bill, as narrowing and circumscribing that intercourse, must, on the honourable gentleman's own principles, be exceedingly beneficial to the interest for which he contends.

But

But leaving for a moment the particular argument, let us examine, what seems of still greater importance, the nature and tendency of the general maxim which the honourable gentleman labours to establish. The maxim is, that all intercourse, even in British bottoms, between the United States and the island of Newfoundland, should be strictly prohibited; for all such intercourse, says the honourable gentleman, will be made a means of introducing the rums of New England to the ports of Newfoundland, and thereby of superseding, in the markets of that island, the rums of our West-India possessions.

Now, let us examine the consequence to which the establishment of this maxim evidently leads; let us compare the loss that will arise if the maxim should not be admitted, with the loss that will follow if it should. If the intercourse of the island of Newfoundland with the United States should not be prohibited, our West-India possessions will lose, it is said, the advantage of supplying the Newfoundland market with rum. What is the extent of this loss?

The quantity of rum annually imported into the island of Newfoundland, including what was brought from America, was supposed, before the war, to be little less than 250,000 gallons; but at present, as the island is less numerously peopled, the consumption is exceedingly diminished. Supposing, however, that the importation were still at its former height, the value of that quantity of rum, in the West Indies, would scarcely be more than 30,000l. The utmost loss, therefore, that the West-India planters could possibly sustain would be the loss of the profit arising from the sale of thirty thousand pounds worth of rum. Now this profit, at the rate of twenty per cent. could not be more than 6000l. The possible loss, therefore, of 6000l. per annum is the greatest evil that the West-India Islands can suffer from the intercourse of the United States with the ports of Newfoundland; this is the whole extent of the mischief; the full magnitude of the evil. And on whom will fall the burden of this mighty loss? It will be divided between the islands of Jamaica, Dominica, Barbadoes, St. Kitt's, and the rest of our West-India possessions — It will be divided among men, the value of whose exports exceeds 3,000,000l. a year.

Such, Sir, is the whole of the inconvenience that will attend the continuing, in its fullest latitude, the intercourse, in British ships, between the ports of Newfoundland and those of the United States.

On the other hand, what will be the extent of the evils that will arise if that intercourse be prohibited? The inhabitants of Newfoundland, and the rest of our fishermen who resort to its banks, must then depend for their subsistence on our remaining American Colonies, Nova Scotia and Canada, or on Great Britain herself. From Nova Scotia they have at present nothing to hope — the land does not produce a sufficiency of food for the maintenance of its own people: they depend for a supply on the neighbouring dominions of the United States. From Canada it is admitted by all, that, at present, they have nothing to expect. The honourable Alderman asserts, indeed, that, in a few years, the exports from Canada will be great; but surely, Sir, we shall not be guilty of such a mockery of our fishermen, as to refer them to the future produce of distant years, when they apply to us for present bread. It is of little moment to add, that, during the winter months and those of the spring, when the wants of the people of Newfoundland are the greatest, the gulph of St. Lawrence is bound up by the frost. Thus it appears that, on this country alone, the fishermen of Newfoundland must depend for a supply; and, to that supply, the honourable Alderman asserts that this country is unquestionably adequate.

Sir, I am sure the humanity of the House will not permit them to forget that, from this kingdom, corn is exportable only when its price in the market is below a certain standard. If then, as is often the case, it shall exceed that standard, what must be the situation of our fishermen — exposed at least to the distress of scarcity — perhaps to the horrors of famine! And who are the men that we are advised thus lightly to abandon? In number they are more than twenty thousand. What is their occupation? 'Tis an occupation of little benefit to themselves, but of infinite advantage to their country. Miserable, at the best of times, is the subsistence they obtain; but valuable indeed are the returns they make to the kingdom to which they belong — not less than half a million a year; yet this return forms but a small part of their importance; for, next to our coasting trade, theirs is the greatest nursery of our seamen; hundreds of new men are sent out every year; their employment gives them a peculiar hardihood of character. Experience has shewn that it is the best school of instruction.

Treat your fishermen with justice; allow them the enjoyment of a right which, as subjects, they inherit, and to which

which they are entitled as men, the right of purchasing their corn at a fair market instead of that of the monopolist, and you will find not only that your fisheries will be extended, but that as far as foreign markets are in question, they will soon be established on the ruins of every other.

The French have never more than supplied, nor, with common prudence on our part, can they ever more than supply, the consumption of their own market. The Americans, excluded from our West-India islands, find their fisheries rapidly declining; for as they have no other considerable market for their damaged fish, (which chiefly consists of such fish as are too much heated between the time of their being taken and the time of their being brought on shore for the completion of the process of curing, and of which the negroes are almost the only consumers) they are reduced to the alternative of either abandoning their trade, or of endeavouring to obtain, from an advance of price on their best fish, a recompence for the loss they must otherwise sustain from their having no market for their worst: but with this advance in the price, it is impossible they can long contest with us the possession of the Spanish or Italian, or any other of the foreign markets.

In this situation the American fishermen are seeking a refuge from poverty in the dominions of Britain.

Such, Sir, is the flattering prospect before us, if our fishermen are treated with a common regard to the principles of justice; but if, deserting those principles, we consign them to the avarice of the monopolist; if we compel them to purchase their bread at the price which his rapacity shall establish, what must be the consequence? Fishermen are not like the cultivators of the soil, whose local attachments and predilection for their home will induce them to bear oppression to the utmost extent of human suffering rather than remove — without a local habitation, without a home, wanderers on the face of the waters, they will fly from distress to other employments, or to other employers; and what is the mighty advantage for which we are thus to hazard our most important interests — the advantage of preserving to the West-India islands a certain profit of six thousand a year! How vast the stake on the one hand — how inconsiderable the object on the other.

Thus, Sir, I have canvassed much more at length than I wished or intended, the maxim the honourable gentleman has laboured to establish — "That all intercourse between "the

"the isle of Newfoundland and the United States ought to "be prohibited." But whatever be thought of his general argument, certain it is, that his reasoning, as applied to the provisions of this bill, has utterly failed; for, on his own principles, these provisions must diminish the evils which he seems to dread, and narrow the intercourse that is the object of his fears.

Other arguments against this bill have also been urged. It was said by the honourable Alderman, that the agricultural interests of the kingdom are obviously inconsistent with the permission of furnishing Newfoundland with corn from the United States, for that England can furnish grain of every species at a cheaper rate, and ought therefore to have the preference. Sir, if this fact be true, England *will* have the preference; for what merchant is so blind to his own interest as to send his vessel to purchase corn at an extravagantly dear market, at two thousand miles distance, when he has a cheaper market at his door? The honourable gentleman's argument may shew that, as far as the interests of British agriculture are in question, the bill will be nugatory; but it certainly cannot prove that the bill will be pernicious. Another objection to the bill (I think it was urged by an honourable gentleman near me) was founded on the maxim that the merchants concerned in the fisheries should have the sole right of supplying the fishermen with bread. On this avowal of a scheme to establish a monopoly, as cruel in its principle as ruinous in its effects, I will trouble the House with no comment of mine: they have heard the proposal, and will decide upon its merits. But however the rapacious avarice of a few individuals may seem to place the interest of the merchant in opposition to that of the Public, certain it is that in this case, as almost in every other, the real interest of the merchant coincides with that of the kingdom; for it must be to the advantage of the merchant to purchase at a low price the fish which he brings back in return for the articles he sells. Now it is obviously impossible that the produce of labour can long continue to be cheap, if the provisions which support that labour are extravagantly dear.

Thus, Sir, I have considered the various arguments that the enemies of the bill within the house have urged. If it be thought necessary to examine evidence at your bar with a view of giving the witnesses also an opportunity of stating their objections to the bill, I shall certainly acquiesce; yet I cannot but observe, that the merchants of Dartmouth and Poole,

Poole, who think this bill, though short of their wishes, is much for their interest, ought also to be heard. If evidence be examined on one side, let an equal indulgence be also shewn to the other.

But whatever in this respect be the decision of the House, I trust they will extend their protection to a bill, which is obviously recommended by the most powerful of all considerations, those of *public interest*, of *justice*, of *humanity*!

Several other members spoke on this motion — Mr. James Luttrell, Mr. Fox, Mr. Holdsworth, Lord North, Mr. Dundas, and Mr. Eden, Mr. Chancellor Pitt, and Mr. Baring. — The question was negatived, and the House went into the Committee, Sir George Yonge took the chair, and they went through the clauses of the bill.

February 15.

Mr. *Francis* rose to move for papers which he conceived to be necessary to the information of the House. In the estimates of the expence of the East-India establishment there appeared a degree of prodigality superior to any thing that could enter into the minds even of those who made allowance for the extravagant ideas of that country. He would draw the attention of the House to some very remarkable instances. Mr Francis

He began with saying that the civil establishment of Bengal, in 1774, stood at no more than	£. 130,002
That in consequence of the institution of the Governor General and Council, and Supreme Court of Judicature, it was increased to —	251,533
At which amount it stood in 1776.	
That since 1776, when Colonel Monson died, and when the whole power of the government devolved on Mr. Hastings, (in whose hands it has continued ever since) the total has increased (according to the statement delivered in by the Court of Directors) to the enormous sum of —	927,945

Among the particulars of this astonishing increase he stated the following facts:

That there was a Salt Office instituted by Mr. Hastings, consisting of six persons, who divided annually among them no less than 72,807l.: that the Chief of this Board received 18,480l. per annum as such; besides which, he was Chief of the district of Nuddea; but, in that capacity, his profits

were stated by the Directors to be unknown. The other five salt agents stood as follow, viz.

1st member -	* £.13,100 per annum.
2d - - -	11,480
3d - - -	13,183
4th - - -	6,257
5th - - -	10,307

That there was a Board of Customs at Calcutta, where the customs collected were, comparatively, very inconsiderable, and whose salaries or annual profits amounted to 23,070l. among three persons.

That there was a new Committee of Revenue, the duty of which used to be done by the Governor General and Council themselves, whose annual profits were stated at 47,350l. among five persons, viz.

1st member -	£.10,950
2d - - -	9,100
3d - - -	9,100
4th - - -	9,100
5th - - -	9,100

That the President of this Board had been for some years, and was still, Ambassador at the Court of Scindia, a great Marattah Chief on the other side of India, for which he was allowed 4280l. a year, which raised his emoluments to 15,230l. a year.

That there was an Agent Victualler to the garrison of Fort William, whose profits, on an average of three years, were stated at 15,970l. per annum. That this agency was held by the Postmaster General, who, in that capacity, received 2200l. a year from the Company, who was actually no higher than a writer in the service.

That there was a Committee of Grain, whose salaries amounted to 14,100l. a year.

That the Paymasters of the different brigades and detachments of the army received salaries to the amount of 43,670l. Exclusive of which, there was a Paymaster and Accountant at Lucknow, whose fixed salary was 7640l.

That there was an allowance of 4280l. to a supposed Resident at Goa, where there never was a Resident, and who was stated to be not a covenanted servant of the Company.

That the Company were charged with 10,428l. a year for chaplains, though there was not a church in Bengal.

That the Governor General had eight Aids de Camp on his own establishment.

That,

That, beſides theſe and [illegible] multitude of other officers, whoſe ſtated profits were [illegible], there were five capital agencies or contracts, whoſe profits were ſtated by the Directors to be unknown, viz.

1. Agent for making gunpowder.
2. Ditto for ſupplying military ſtores.
3. Ditto for providing elephants.
4. Ditto for boats.
5. Ditto for furniſhing the army with draught and carriage bullocks.

That the profits of this laſt contract, though not aſcertained or avowed, had been commonly computed at 50,000l. a year.

He intended to ſubmit a motion to the Houſe on the facts, and ſaid, it was his intention to have confined himſelf to the civil eſtabliſhment; but finding, by the papers on the table, that the expence of the army eſtimates of Bengal, which, in April, 1784, amounted to three millions and a half, now, by this eſtimate, reduced to one million, he could not help ſaying the diminution of ſo large a ſum, in ſo ſmall a time, appeared to him extremely doubtful: he wiſhed to avoid the harſhneſs of ſaying he did not believe it. If the Company were in poſſeſſion of documents that enabled them to aſcertain this, there was no hardſhip in their producing them; he ſhould therefore move for ſuch documents. He concluded with moving, "That the Directors of the Eaſt-India Com-" pany do prepare and lay before this Houſe ſtatements of " the ſalaries and emoluments belonging to the officers and " appointments under the General Department, the Reve-" nue Department, and Commercial Department, in Ben-" gal, in the years 1782 and 1783, compared with their " amount in 1776, (diſtinguiſhing the increaſe, and the " years when ſuch increaſe took place) and alſo an ab-" ſtract, ſhewing the increaſe of the eſtabliſhments of the " Civil Department in Bengal, as they ſtood at the end of " the year 1783, beyond the amount of the eſtimate in " 1776, according to ſuch compilations as can be found from " accounts of actual payments from the records and other " authentic documents."

Mr. Francis alſo read his ſecond motion, which was for " an eſtimate of the probable reſources and diſburſements " of the Bengal Government, from the 30th of April, " 1784, to the 1ſt of May, 1785."

 Mr.

Mr. Dundas. Mr. Dundas answered, and objected to the words marked in parentheses, as they would give infinite trouble, and rather retard than accelerate the full and accurate statement of all the facts the House wished to have before them, with regard to the civil, commercial, and revenue establishments in India, which had been for some time in preparation, at the instance and under the authority of the Board of Control.

Mr. Francis. Mr. *Francis* said, from some information he had received, on which, however, he did not entirely depend, there were now in the possession of the Company, papers to that purpose; if there were, he would be glad to see them; if not, he would confine himself to that part of his motion, against which equal objections did not seem to lie.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said that there were papers which would ascertain the estimates under each year; but none which specified the days and the circumstances in the progressional increase. If the honourable gentleman wished for the papers which were in possession of the Company, he had no objection to their being produced; but to retard the inquiries which were now making on a more enlarged scale, by particular and tedious inquiries, was what he conceived many objections to. Whenever he had occasion to mention the state of our East-India settlements, he was always as ready to regard the increase of their establishments as an object of very considerable retrenchment as any other member could be, and in every view of the regulation necessary to be adopted there, he never lost sight of their enormous and dangerous establishments, which at the same time drained the coffers of the Company, and added weight to the influence of those who were concerned in their appointment. Fully sensible of the decaying and dangerous situation of the Company's affairs, he and those with whom he had the honour to act, looked, as the means of retrieving it, to the retrenchment of their establishment; and he hoped, by the measures he should pursue, and which would come under the inspection of this House, that the retrenchment was as practicable as it was necessary. These sentiments he had always expressed; he always inculcated the necessity of retrenchment, whether he considered those establishments relative to the Company's prosperity or with reference to the politics of this country. He considered retrenchment as the means of redress of the Company's private affairs, and the means of overturning that unbounded patronage and power which was attempted to be raised on it, to the ruin of our affairs, and the

the destruction of the Constitution. In the profession of this design, to retrench those expences, he was happy in the concurrence of every gentleman; but he had one invincible objection, and he was ready to avow it, that he could not consent to have the honour or the conduct of this measure taken out of the hands of His Majesty's Ministers, to whom it properly belonged: he did not consider that it was in a way of being better executed by other gentlemen running a race with them. He could not agree to lose the honour of producing a measure that was likely to be of benefit to the Public, though he should be convinced the honourable gentleman and his friends were more capable of the task, because he and his colleagues having but one mind on the subject, would act in concert, and he had no doubt, would be able to atone, by assiduity and perseverance, for the want of that quick perception which some gentlemen thought requisite. He had no objection against producing papers that were likely to give any information to the honourable House; but he was of opinion, that were those to be laid upon the table, which now were moved for, they would rather impede than accelerate any regulations: a system was forming for correcting the abuses and enormities so loudly and justly complained of, founded upon the principles of the bill which passed last session. The honourable House having approved on that occasion of the conduct of him and those who acted with him, he hoped they would not withdraw their confidence, nor condemn a measure before they saw it, but continue their good opinion of him until they found reason to change it.

Mr. Francis. Mr. *Francis* did not wish to press the producing a voluminous parcel of papers, or to give any unnecessary trouble; so that the increase of the Bengal establishment since the year 1776 was laid before the House, he should be satisfied; and therefore altered the motion to that purpose.

Mr. Fox. Mr. *Fox* perfectly acquiesced with the right honourable gentleman (Mr. Pitt) in the necessity there was to have the confidence of that House; he had always been of that opinion, yet he had never carried his ideas so far as to suppose the House were to have such implicit confidence in the Minister as not to judge for themselves. They had, indeed, within a short space, given up much, but he trusted there was still spirit enough left to maintain their right of inspecting into matters of great national concern, and not to be considered as mere spectators of proceedings in which the wel-

fare [illegible]. He granted the right honourable gentleman had always admitted retrenchments were highly necessary in India; but in doing that, he had done nothing more than every member in that House had done: every person agreed to it, because it was so plain a fact, that no one could deny it: the evil was generally admitted, though the enormity was not so generally known. Few could possibly think it so great, but those who were actually acquainted with it; and none were better acquainted than his honourable friend who had made the motion. It was from his knowledge of the subject that he had wished to bring plain facts before the House, that they might not be deceived by fallacious statements and unfounded assertions. The right honourable gentleman had alluded to the bill which he had introduced, and which he believed might at present be unpopular in that House; it might be unpopular with the public; it was for this reason he wished an investigation into the whole affairs of the East-India Company; that every proceeding of the Court of Directors might be examined into, and that every measure adopted by the new Board of Commissioners might be laid before the public, because he was convinced the more the real state of the Company's affairs became known, the less unpopular would be his bill; he had heard that it was from modesty the board of Commissioners withheld the advantage they had been of since their establishment; but this, he would not hesitate to say, was a false modesty, and he hoped, would not continue; other reports indeed, said, they had been of no use; but such reports, he trusted, were not to be credited; this Board had been instituted by the bill which was brought in to answer the intended purposes of the one he had just alluded to: a new Court of Judicature, a Court perfectly new in this country, was likewise established by it, and upon this bill the new regulations which were to be brought forward, were to be founded; and this information seemed to be thought sufficient for gentlemen to rest satisfied, and not attempt to inquire farther; were the House to submit to that, they must indeed have that implicit confidence which the right honourable gentleman seemed to lay claim to; this was a confidence, however, which he trusted would never be enjoyed by him or any other person; for how were they to know whether the regulations were right or wrong, whether they were likely to be of advantage or not, if they did not inquire into the subject? it was certainly the duty of every member of Parliament to gain as much

much information as possible, that he might be enabled to do justice to his constituents. This information they would receive by the papers which his honourable friend had moved to be laid before them, and being in possession of such information when the propositions were laid before them for their approbation, they would be able to judge whether they merited their sanction or not.

Maj. Scott.

Major *Scott* said, he should have heen happy to have had the good fortune to have caught the Speaker's eye as soon as the honourable gentleman on the floor (Mr. Francis) had sat down, for he declared to God, that nothing which he had at any time heard in that House had astonished him so much as the speech of the honourable gentleman; and the House would be equally surprised, he was sure, if he could have the good fortune to obtain their attention for a few minutes. The honourable gentleman had stated, that the allowance and emoluments to the gentlemen, who had the direction of the revenue arising from salt, were extravagant and enormous; yet those very allowances were fixed by the unanimous assent of the Supreme Council, when the honourable gentleman was one of its members, and when the House knew, that for every rupee gained by the members of this salt-office, the East-India Company realized nine, where formerly they did not realise a shilling; he was sure the House would approve of the principle which actuated Mr. Hastings and the honourable gentleman in fixing their emoluments so high. In 1776, and down to 1780, as well as for many years before (two excepted) the Company had realised no revenue from salt. In September, 1780, the Supreme Council unanimously agreed to adopt a plan proposed by Mr. Hastings, for taking the manufacture of salt into the Company's hands, and allowing the gentlemen employed ten per cent upon all they neated for the Company. The reasons for granting so large a per centage were contained in a minute, and a letter to the Directors, signed by the honourable gentleman himself, and the following was an exact copy of it:

"That as the advantage to be derived from this plan to "the Company will depend on the quantity of salt manu-"factured, and the œconomy observed in the management "of the business, it will be adviseable to afford the Comp-"troller and agents some particular inducements to give "their utmost attention to both these objects; that for this

"purpose they be allowed to draw, besides their fixed salaries, a commission of ten per cent." &c.

What, Sir, added Major Scott, has been the consequence? After paying all these salaries and the ten per cent. the Company have a neat revenue of five hundred and forty thousand pounds a year, where before they had no revenue at all, or rather, I should say, sustained an annual loss. Another observation of the honourable gentleman was equally wonderful: he had expressed astonishment that the advantages to army pay-masters were so great, that the House will be surprised when I inform them, that I was officially sent by Mr. Hastings to the honourable gentleman in May or June, 1780, to communicate Mr. Hastings's plan, which was, that no army pay-masters should in future retain any balances in their hands, but that in lieu of them they should have a per centage on their disbursements; this per centage was increased (as in England the Pay-master General's advantages were) by the war, and are now reduced by the peace. How the honourable gentleman, if he has any recollection, can object to this, is to me most astonishing. There is another observation, which if it had been made by a gentleman not versed in the affairs of India, I should have passed by unnoticed; but the honourable gentleman knows, because he has accurately examined the account on your table, that no less a sum than one hundred and twenty-seven thousand six hundred and three pounds, which are entered under the head of "Civil Establishments," are truly and strictly military; that in no estimate of receipts and disbursements, in no account kept in India or in England, were they, until the present moment, included under the head of "Civil Establishments;" and the honourable gentleman, I hope, will excuse me, if I say, he misleads the House, when he mixes them with civil charges. A common observer might look at titles only, but the honourable gentleman knows better, and knows how accounts ought to be drawn out.

The honourable gentleman expresses pleasure to see the military charges reduced so low as they are, but he doubts the fact, and thinks they are much higher, because the last estimate of receipts and disbursements, that is, from April, 1783, to May, 1784, states them at above three millions, and now they are reduced to little more than one. On this head I hope I shall satisfy the honourable gentleman and the House. We all know the difference between war and peace, and what the extraordinaries of an army are. When the estimatew dated,

dated, it was war; peace was soon after established, and the following reductions took place in 1783. Three entire regiments of cavalry were disbanded; six regiments of foot were disbanded; every regiment in Bengal reduced from one thousand to seven hundred and eighty rank and file each. The contingencies which the honourable gentleman knows are so high in time of war, had ceased with the war. The Bombay detachment was returned and reduced, which was a saving alone of 400,000l. a year. If the honourable gentleman will compute all these savings, and transfer one hundred and twenty-seven thousand pounds from the civil head to the military, he will find the aggregate perfectly exact; but for the honourable gentleman to state that the civil establishment is 900,000l. a year, when he knows that of that sum 127,000l. ought to be transferred to the military head, that 76,000l. is for the salt office, by which a revenue of 540,000l. a year has been created, where a shilling was not collected before, and that the remainder of the sum includes civil, commercial, and courts of justice; I say, Sir, to state it as the honourable gentleman (who knows better) has done, is to deceive and mislead this House.

Mr. *Francis* answered that the plan of paying the salt agents by a per centage on their sales or collections, was proposed to him in September, 1780, two months before he left Bengal, when he interfered but little in measures that were to operate long after his departure; that the principle might be a good one, and that this was all he had consented to; that the application of it might be, and actually was, abusive in the highest degree; that no previous calculation of the probable profits of the salt agencies had been made, nor could the actual amount of those profits be known, until at least a year after he had left Bengal; but that when they were known, they ought to have been retrenched, whereas they had been suffered to continue at their present exorbitant amount for three years together, and were still going on at the same rate. Mr. Francis.

Mr. *Burke* said, whenever the consideration of India affairs came before the House, he could but lament his honourable friend (Mr. Francis) who was so perfect a master of their actual situation abroad, should be unengaged from their service; he gave a variety of reasons why he thought the papers moved for ought to be produced; it was not, he said, that his honourable friend might have an opportunity of running a race with the other side of the House (because he Mr Burke.

he was sure, when he wished to run, it would be with those who had some kind of speed) that he was for their being laid on the table; but that those gentlemen, who had not hitherto examined into the actual facts, might not any longer be deceived. He said the right honourable gentleman on the other side had often appeared to him as surrounded by the stars of the East, but he trusted he should soon see the sun of the Constitution arise, when their splendor should be no more. He was not surprised that another right honourable gentleman should be against the production of papers, because he had been a fellow labourer with him in producing Reports which had been called libels, and every other epithet that rancour could invent; it might, therefore, be judicious in him to prevent the appearance of any more: on a former period, he had regretted the non-attendance of the honourable chairman of the India Company, or his deputy, on days when matters concerning them were agitated in that House, he found he had the same cause for regret this day; for, however great might be his opinion of an honourable member, he could not say he was satisfied, that the only intelligence the House were able to procure respecting India should be from a Major of the army; he might be contented with his opinion on military questions, but surely some better authority might be had concerning their civil establishment.

The motions for the papers being laid on the table, were then put and carried.

The order of the day for the third reading of the Newfoundland intercourse bill having been moved and read,

Mr. Fox. Mr. *Fox* rose to oppose the third reading, and stated his objections to the bill. He said he did not merely object to the title on the legal ground of contest, whether the bill was an extension or a restriction of the existing law, but to its principle. He said he had not completely made up his mind as to the necessity of any bill's passing upon the subject, and one reason why he had not done so was, the House had not only been refused all the information necessary to be laid before them, previous to their coming to a decision on a point of so much importance, but they had been refused the opportunity of hearing such information as they might have had, had the Minister chosen it. He stated, that there were three parties to the present bill, the merchants of Poole and Dartmouth, the merchants of London, and the inhabitants of Newfoundland. All of these, or somebody for them, ought to have been heard before any bill affecting all of them

was passed. The present bill was, he said, directly contrary to Admiral Campbell's opinion, directly contrary to the wishes and opinion of the merchants of London, and as far as the House knew, adverse to the opinion and wishes of the inhabitants of Newfoundland; he considered it, therefore, as a sacrifice to the merchants of Poole and Dartmouth. Mr. Fox said, he should have thought laying the intercourse between the United States of America and Newfoundland open, under certain regulations, would have been wiser than to have confined it at all. The chief regulations, therefore, that he would have made should have been, to have obliged the commerce between the United States of America and Newfoundland to be carried on in British bottoms, legally sailing with a register, agreeable to the navigation act. After a variety of arguments and observations, Mr. Fox recommended it to His Majesty's Ministers, either to pass no bill at all, (and, in that case, to settle the intercourse by proclamation, from the King in Council) or to postpone the third reading of the bill for one month; and, in the interim, to call all the witnesses before the House that could be collected in this country, and that could give the House any material information on the subject; and, when the House were fully informed upon it, to prepare a digested bill, and pass it. Mr. Fox, ere he sat down, moved, "that the bill "be read a third time that day month," having first declared, that if the sense of the majority appeared to be against his motion, he would not divide the House.

Mr. Chancellor *Pitt* replied, and acknowledged that Mr. Fox had put the bill upon a fair issue. Mr. Pitt then proceeded to controvert Mr. Fox's arguments, and defended the bill as a temporary bill, and a bill of experiment, such as the House might safely pass, without at all excluding the subject from farther discussion when the House had more leisure. He said, if gentlemen thought proper, they might bring the subject under discussion at some future period of the present session; but if the bill were not read a third time till that day month, it was plain the object of it would be lost entirely. Mr. Chancellor Pitt.

Mr. *Eden* said, that waving for the moment all dispute, whether the present bill should be considered as restraining, or as authorising a trade between the new states and one of the colonies, he heard, with great pleasure, the right honourable gentleman's wish to secure the colony trade and navigation as much as possible to British ships. But when it Mr. Eden.

was propoſed to adopt the bill as an experiment, till the Houſe ſhould have more leiſure and better materials, he muſt be permitted to expreſs ſome ſurpriſe, individually ſpeaking, the right honourable gentleman poſſibly had ample reaſon to wiſh for leiſure, but the Houſe, collectively conſidered, muſt never be ſuppoſed to want leiſure for the diſcuſſion of important points: materials indeed they might want, more eſpecially in inſtances like the preſent, when they had thought proper to deny to themſelves the advantage of hearing witneſſes, peculiarly able to give information, and perſonally entitled even to offer advice and opinions The ſelf-denial of the Houſe on this occaſion, had been juſt matter of ſurpriſe to him and to others, but it was not more ſo, than the ſingular cauſe which had been aſſigned for it: they had been told, that the examination of witneſſes would be contrary to the compromiſe with Poole and Dartmouth. A noble friend of his had, on ſome occaſion, anatomized the word reciprocity; he wiſhed that his noble friend would, in like manner, advert to the word compromiſe he had always underſtood that word to mean, that the pretenſions and intereſts of all parties being ſtated, there was a general agreement to abate ſomething in the claims of both. But the preſent caſe differed widely from this deſcription the merchants of London, and thoſe of Quebec, though proteſting againſt the bill, and parties materially intereſted, were refuſed even a hearing; the inhabitants of Newfoundland were parties alſo, and Admiral Campbell, who beſt repreſented Newfoundland, was well known to diſapprove utterly of the preſent bill; the Houſe had alſo refuſed to hear him The towns of Youghall and Waterford in Ireland, were greatly concerned in the fate of the queſtion, but were not to this hour apprized of its exiſtence And even Poole and Dartmouth, in his opinion, would be diſſatisfied with their ſuppoſed ſhare in this compromiſe, whenever they ſhould underſtand it: for it would not eſcape their obſervation, that the *bill* purported to be a temporary reſtriction, and whenever it expired, the whole trade would be open to the United States, and the dangerous intercourſe and ruinous competition would be greater than ever. Beſides, according to all common ſenſe, if this bill was right, the perpetual continuance of it muſt be right, for the preſent year happened to be a year of plenty in all the Britiſh dominions and if His Majeſty's ſubjects were not now able to ſupply Newfoundland, they never could be able. In ſhort, he could not diſcover that the bill was favourable to any intereſts except thoſe of the United States, an honourable gentleman

tleman, the preceding night, had mentioned them as peculiarly entitled to favour in preference to France. 'This came naturally from the honourable gentleman who had recently arrived from the United States, where he had undoubtedly been witness to the singular benevolence with which British subjects were treated by the New States, and to the sanctimonious attention to the faith of treaties, which was at this hour placing the New States in a point of view unparallelled in the history of any age or any country. He could have wished to have known from the same eye-witness how it happened, that in some of the New States British ships and their cargoes were subject to peculiar duties and restraints, notwithstanding that in this kingdom the merchandise of the United States remained to this hour exempt from the duties imposed on the goods of the most friendly powers of Europe. Gentlemen had talked of the supply of Newfoundland as a matter of difficulty, and it was evident that they conceived it to be an undertaking of great extent: he thought it right therefore to inform them, that in the year 1771, when the fishery flourished, the value of all the provisions brought from North America was only 9000l. and in the last year the quantity of flour and bread brought from the United States had been very inconsiderable, and the live cattle amounted to one hundred and twenty.

For such considerations the House was asked to sacrifice a principle of law, which he believed to be a just principle; and if it were otherwise, or as contended by the framers of the bill, he still thought that the direct communication should be closed against the United States. He would not resume the dispute on the law question; but would only say, that if it happened to him to imagine that he had discovered a point of law contrary to the general apprehension of mankind, and mischievous in all its consequences to the interest of these kingdoms, he would have concealed it with as much care as if he had discovered a new poison, or, at least, he would not have brought forwards the poison in one hand, without bringing its antidote in the other. These new discoverers, however, or new inventors, had been governed by a different sentiment, and had maintained their discovery with as much alacrity and earnestness as if it had been beneficial to the interests of the British empire.

Mr. *Jenkinson* replied to Mr. Eden, and, by a reference to what had passed before the Committee of the Privy Council, contended, that had the House gone into an exa- Mr Jenkinson.

Z 2 mination

mination of all the parties stated to be interested in the bill, they would have heard a great deal of evidence of the most irreconcileable and contradictory nature, each set of witnesses having directly contradicted the assertions of the other before the Committee of Privy Council. His Majesty's Ministers therefore were under the necessity of consulting the merchants of Poole and Dartmouth, who were principally interested, and upon a comparison of what they said with the opinion of the King's officers who had been at Newfoundland, had proceeded to draw such a bill as might do good, but could do no harm. Mr. Jenkinson controverted Mr. Fox's argument, that the trade ought to be more opened, by stating, that if that were the case, it would be utterly impossible to prevent American vessels from carrying on the trade, for that they would sail under old registers, and through a variety of frauds smuggle New-England rums to Newfoundland. Mr. Jenkinson said, it was astonishing what impositions were practised by the American shippers in different instances, and that thirty pounds were publicly advertised for a British register in the American newspapers.

Ld. North. Lord *North* maintained his doctrine relative to the general principle, that all colonial intercourse should be held in monopoly by the mother country; but admitted that the supply of Newfoundland was an allowable exception to the general principle; declaring, however, that the House had been deprived of receiving the information it might have had as to the degree of deviation from the general principle that was necessary.

Mr Holdsworth. Mr. *Holdsworth* allowed that the bill, though it did not go to the extent of restriction that the merchants of Dartmouth wished, was nevertheless satisfactory to them. Mr. Holdsworth defended his constituents, acknowledging that it was to the Newfoundland trade, carried on from Dartmouth, that he stood indebted for his seat in that assembly, and asserting that the merchants of Dartmouth were men of as much honour as any description of merchants in the kingdom.

Sir George Collier. Sir *George Collier* suggested the propriety of making some provisions to protect the importation of rum to Newfoundland from our West-India islands, as the best means of preventing the introduction of New-England rums into the colony.

Mr. Dempster. Mr. *Dempster* rose to enter his protest against the bill, on the ground of his not being sufficiently informed to be able to determine whether it ought to pass or not; but, before he did

did so, he wished to have an answer relative to the power of the resident inhabitants of Newfoundland to procure a supply of provisions during the winter, in case the merchants of Great Britain omitted to send out a sufficient supply for that season of the year.

Mr. *Holdsworth*, in reply, said, the supply sent out annually always was calculated to serve for the winter as well as the fishing season, and that it was usually stocked in stores provided for the purpose; but even if the merchants of Great Britain failed, the Newfoundlanders could send to Nova Scotia and Canada for a fresh supply. Mr. Holdsworth.

Mr. Alderman *Watson* rose to state to the House the sort of facts he meant to have adduced in evidence, had his witnesses, men of the first and most respectable characters, been permitted to be heard at the bar. The facts were, the quantity of barrels of flour, and the price, sent at different times to Newfoundland from Great Britain and Canada. Before the Alderman sat down, he made a very animated ironical appeal to the feelings of the House on the great liberality that was due to the United States of America, for their wonderful kindness to the unfortunate Loyalists, their extreme partiality and favour to the British ships, and their singular encouragement of the commerce of this country in every point of view. Mr. Ald. Watson.

The question was put on Mr. Fox's motion, and negatived. The bill was then read a third time.

Mr. Eden, on the Speaker's reading the title, moved, instead of the words "for confining," &c. to amend by inserting the words "authorising and" —

Mr. *Jenkinson* said, he was exceedingly surprised at this, as he had really understood that the right honourable gentleman had given up that idea as ill founded, and had only objected to the different and right opinion being brought forwards. Mr. Jenkinson.

Mr. *Eden* said, that neither he nor others, whose opinions he respected, desisted from their opinion, or had ever wavered in their confidence of its being right. He continued to think, without insisting on the law of nations, on the treaties, or general usage, or on the whole analogy of our commercial system, "That a British colony, by separating itself "from the British dominion, and becoming independent, "did not thereby acquire rights within the British dominions, which it did not before possess, unless those rights "were given by an act of the Legislature." He accordingly Mr. Eden.

ingly moved this amendment, that it might be entered on the Journals, and not in the expectation of carrying it.

The House resolved itself into a Committee of Supply, the Marquis of Graham in the chair.

Sir George Yonge. Sir *George Yonge* stated to the Committee the army establishment of the year. He reminded, that it appeared in the last session to have been the general wish of the House that the four regiments, from the 66th to the 70th, should be considered for their meritorious services, and that the officers who had expended their property in the purchase of commissions, should not, on the reduction, be put on half pay. In compliance with this, it was the intention of Government to keep up the regiments to the 70th; and this would be done in a way advantageous to the Public. He farther remarked, that the difference between the present establishment and that of 1740 was only two hundred and fifty men. Sir George concluded with moving, "That a number "of land forces, including 2830 invalids, amounting to "18,[illegible]3 effective men, be employed for 1785." — "That "655,963l 4s. 3d. be granted to His Majesty for defraying "the charge of the same." And "That 222,021l 4s. 4d. "for forces and garrisons."

Ld North. Lord *North* wished to know in what manner the honourable baronet could shew, that adding four regiments to the present establishment, would be a saving to the Public?

Sir George Yonge. Sir *George Yonge* said, this was done by the reduction of one drummer and six privates in each company on the whole establishment, the savings from which would more than defray the expences of keeping up these four regiments.

Col Fitzpatrick. Colonel *Fitzpatrick* wished to be informed if there were any reasons to be assigned for the addition of six regiments to the late establishment he knew not any reasons independent of œconomy; for, on the score of expence, he believed the reduction in the battalions would be equal to the charges the regimental addition would produce, on this occasion it was certainly very disagreeable, that there was no person of ostensibility in the military profession to whom the House might apply for information relative to the military advantages of this increase in the establishment. To the honourable Baronet the House could not look for this sort of information; his knowledge being merely official, all professional inquiry must be fruitless. Though the plan laid down by the honourable Baronet might be free from objections on the score

of expenditure, the objections made to him, when he filled that department, for reducing the battalions even ſo low as they then ſtood, would remind him, that they were liable to others of a military nature. Reducing the number of men to increaſe the number of regiments would indeed increaſe the patronage, but would, in his mind, be very far from aſſiſting the ſervice. He again repeated his concern that there was no gentleman of rank in the profeſſion to ſatiſfy the objection on this point.

Sir George Yonge.

Sir *George Yonge* replied, that it was not a little ſtrange to hear a gentleman, who was ſo forward in the laſt ſeſſion to have ſomething done for thoſe four regiments, ſhould be the firſt now to object to it. When a noble Lord, who was not then preſent, (Lord Beauchamp) had in the laſt ſeſſion made ſome motion relative to theſe regiments, he well recollected that honourable gentleman to have declared, that it was in the contemplation of Government to provide for them at the time they were ſettling the peace eſtabliſhment. He alſo recollected, that the addition of two of theſe ſix regiments to the former eſtabliſhment was that honourable gentleman's own meaſure, ſo that, in the alternative, he ſhould expect him to prefer rather a high than a low eſtabliſhment.

Col. Phipps.

Colonel *Phipps* ſaid, when he conſidered the great and ſignal ſervices of the four regiments in queſtion, and particularly of the officers, he was aſtoniſhed not to find that honourable gentleman, who had been witneſs to their deſerts, pay that teſtimony which they merited. It was freſh in the minds of every one who attended the laſt ſeſſion of Parliament, that the Houſe on all ſides, and particularly where that honourable gentleman ſat, was even clamorous to have ſome proviſion made for their officers; and when the honourable gentleman looked on one ſide to the condition of the poor Public, and on the other ſide to that of the poor officers, his conſideration for the former ſhould not overcome his compaſſion for the latter. As to the opinions of profeſſional gentlemen on the military advantages of the meaſure, he believed it would generally be allowed, that, for facilitating the recruiting ſervice, and anſwering the purpoſes of any emergency, it was always better to reduce the number of men than the number of regiments at home, though abroad it might be otherwiſe.

Lord Adam Gordon.

Lord *Adam Gordon* bore teſtimony to the particular merits of that regiment to which he formerly belonged, and which was included in the four regiments now in queſtion. He could, of his knowledge, aſſert, that all the officers in that

regiment

regiment had purchased their commissions, and he was equally justifiable in saying that they were all a set of very deserving and most gallant men.

Mr. Steele. Mr. *Steele* remarked, that on a former occasion, when there were two systems of reduction proposed, the one in the number of men, the other in the number of regiments, the honourable gentleman, who made the objections to the four regiments, was one of those who declared himself an advocate for the former.

Col. Fitzpatrick. Colonel *Fitzpatrick* did not expect that any thing he should have said on a former occasion should be considered of consequence enough to be so accurately remembered. However, he would spare the honourable gentleman the trouble of farther quotation, and acknowledge the circumstance; but he by no means thought it a necessary conclusion, that because he held that opinion as far as regarded two regiments, he was bound to carry it to every extent; beside, when the peace establishment was made, it was understood that the reduction came so low as the 64th regiment, the two others which were suffered to remain, only having that indulgence while they were abroad; but on their return home, were to be reduced as the other regiments.

When gentlemen attempted to speak upon the subject, he expected to hear them explain what a battalion ought necessarily to consist of, and how far it would admit of reduction, but he had still to lament the silence of gentlemen, in whose power it would be to throw some light upon the business; and whatever respect he might have in another line for the honourable gentleman who had brought himself forward in this business, as a man of profession, he could not by any means agree to consider a Lieutenant Colonel qualified, from his rank, or situation in the army, to deliver a professional opinion for the direction of a House of Commons. He perfectly agreed with the noble Lord who spoke so handsomely of the officers who composed those regiments, and was as much of opinion as he or any other person could be, that they were intitled to the attention of Parliament; but he could neither see the policy nor expediency of keeping up six regiments to accommodate the officers. The administration in which he had the honour to bear a part, intended to provide for those officers, by continuing them in full pay, and seconding them among the whole army. This would neither be liable to the objection of reducing the battalions, nor would it aim at that patronage which an enlarged establishment must always give. Of this opinion was the honourable

General

General who was then Commander in Chief, in which situation he was sorry not to see any person now whom the House could consider at the same time responsible and competent.

Mr. Chancellor *Pitt* said, though he could not pretend, on this subject, to deliver a professional opinion, he must consider himself possessed of some degree of responsibility, and as such, exempt from one part of the objection. When the honourable gentleman spoke of the patronage annexed to the increase of the establishment, and the more dangerous, as not being under the control of a responsible officer, he might consider that this was not the first time this country had been without a commander in chief in times of peace, nor need he feel any alarm for the hands in which the patronage of the army was now placed, for more partialities need not now be apprehended than might appear under the direction of a commander in chief, nor in the distribution of rewards and favours, need they now dread any worse conduct than might have prevailed under higher auspices. He agreed with the honourable gentleman that he was not obliged to carry his opinions on regimental reduction to the utmost extent, but when it was considered how slowly the recruiting service now went on, it would appear right to keep up a number of regiments employed in the business and the objections to the low state of the battalions would be done away, when it was considered that they were far from being full, even at the present hour. Mr. Chancellor Pitt.

Col. *Phipps*, said, when he rose to speak his sentiments on the subject before the House, he did not do so from thinking himself entitled to any particular consideration for his being in the profession, nor did he think it any extraordinary presumption in a Lieutenant Colonel to give even a military opinion when regimental questions were in discussion, for he considered them even better qualified than General Officers to speak to these points, as they were affairs to which General Officers did not so much attend. He reminded the House, that when he had mentioned in the last session, when the House was employed on this very subject, that those meritorious officers might be provided for without adding to the national expence, by reducing some of those regiments which did no service, as the Blues, he was answered, that His Majesty should always retain employments and situations of this kind to confer on officers of exalted merit, among whom, he was willing to rank the honourable General who was Colonel of them. But could not this be done as well by granting him a pension, and reducing the regiment? Col Phipps.

These, he said, were the regiments which were real objects of reduction, and not those to whom the honourable gentleman objected.

Lord Adam Gordon.

Lord *Adam Gordon* spoke against secondary officers as the worst of measures, and one which would be no compensation to gentlemen who looked for rank and promotion.

Col Fitzpatrick.

Colonel *Fitzpatrick* said, if secondary officers was an improper and unfair measure, it went to the officers themselves, for it was precisely what they required. He explained himself not to have meant any imputation on the honouralbe officer opposite to him, (Col. Phipps) but to say that his rank did not intitle him to give an opinion to regulate the decision of the House of Commons; and at the same time declared himself to have spoken officially, as being in the place of Secretary at War lately.

Mr. Fox.

Mr. *Fox* said, though incompetent to decide on a military question, he could not avoid adverting to some expressions of an honourable gentleman, (Mr. Pitt) who, by an insinuation, seemed to glance at the character of a gentleman high in military rank. While General Conway filled the station of Commander in Chief, among the insinuations which were thrown out against him, he believed none ever went so far as to charge him with partiality in the exercise of that patronage which his situation conferred on him. Whether the same could be said of those who now had that department, was more than he could affirm, having heard nothing on the subject; but he thought it incumbent on him to say thus much in vindication of an absent man, for whom, if present, no person need speak, for no one was better able to do it than himself. Before he sat down, he must lament, with his honourable friend, that no responsible officer could in this case be resorted to, in whom the House could place that confidence which, as one of His Majesty's Ministers, it was his right to claim. It was true, as an honourable gentleman had remarked, that this was not the first time when this country was without a Commander in Chief in time of peace, but instances, such as the present, shewed it to be no less true that it was an appointment which this country stood at all times equally in need of.

After this the motion for the supply passed, and the House adjourned at half past eight o'clock.

February 17.

Mr. Eden.

Mr. *Eden* rose, and moved for the two papers which stand first in the subjoined list: He said that his object in calling

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for those papers evidently respected certain points of discussion in the relative situation of the two kingdoms: he had already called for various other papers with a similar view, and many more would undoubtedly become necessary. The list of prohibitions now called for was stated with much detail, because the officers of the customs very properly followed such orders literally, but it might be given without difficulty, having been completed and printed two years ago, and the subsequent alterations in it had been very trifling. His view in desiring the other paper, mentioning the several duties of excise, was to shew the burdens which the general defence of the empire had entailed on this kingdom in all the principal articles of its consumption: the means of comparing this consideration with Ireland must be obtained from other documents. Mr. Eden took the occasion to explain a mistake into which he said he had fallen a few days ago, when in describing the energy and resources of this country, he had said that the last year's produce of excise and customs exceeded the produce of all former periods, even after deducting all the late additional duties. he was exceedingly sorry to find in an account for which he had moved, and which was now printed, that the gross produce of excise for 1784, though greatly above that of 1783, fell short of the produce of 1782, and there remained farther to be deducted a considerable sum for those branches of duties which had not commenced till after the 5th of July, 1782.

Mr Eden concluded with moving for

"An account, or list of goods, prohibited to be imported "or exported from Great Britain, distinguishing in separate "and alphabetical statements,"

"First, Goods prohibited to be imported—Second, Goods "prohibited to be imported and used in Great Britain—"Third, Goods prohibited to be imported for sale—Fourth, "Goods prohibited to be imported for sale by any persons, "except made and wrought in Ireland, or taken upon the "seas or wrecked—Fifth, Goods prohibited to be imported "for sale, without licence from His Majesty—Sixth, Goods "prohibited to be imported for sale by strangers or aliens—"Seventh, Goods prohibited to be imported, except in particular weights and packages, or under some other restriction—Eighth, Goods prohibited to be exported."

The Speaker stated the question, when

Mr. *Rose* said, that he had no objection to the paper required, but that the right honourable gentleman might have had it by a much shorter description. Mr Rose.

Mr. Rofe next moved for,

1ft. " A table of the rates of excife duties, as granted by " feveral acts of Parliament, with the total duty on each " commodity, together with the feveral per cents. thereon, " to be completed to the fecond feffion of the 24th year of " His Majefty inclufive "

2d. " An account of the goods on which higher duties " are impofed on the importation from other countries, than " from Ireland, with the quantities from each imported for " the laft five years, diftinguifhing each year."

3d. " An account of the imports into England from Ireland, for five years, ending the 25th of March, 1784, " diftinguifhing the quantity and value, with the duties payable thereon."

4th. " An account of exports from England to Ireland for " five years, ending the 25th of March, 1784, diftinguifhing " the quantity and value, with the duties payable thereon."

Mr. Eden

Mr. *Eden* obferved, that left the Houfe fhould be mifled into fallacious inferences, they ought to be apprized, that the valuation of Irifh linens by the officers of the Englifh cuftoms, was, in conformity to fome old rule, much lefs than one half of the real value, which, upon an article of twenty millions of yards, was a matter of great moment, if fuch valuations were meant to be ufed as materials of deliberation.

Mr Rofe.

Mr *Rofe* anfwered, that it was unneceffary to anticipate this remark, more efpecially as it would be eafy to correct the Englifh valuation by the Irifh one, which would alfo be laid before the Houfe

Mr Fox

Mr. *Fox* ftated his wifh to hear fome accounts of the duties paid in the two kingdoms on the refpective importations, and

Mr Chancellor Pitt.

Mr Chancellor *Pitt* informed him, that fuch an account was preparing.

The Houfe then went into a Committee on that part of His Majefty's fpeech which recommended to the confideration of Parliament, the Reports of the Commiffioners of Public Accounts, Sir Adam Fergufon took his feat at the table.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* then entered into the review and confideration of the important topics contained in the Reports of the Commiffioners. He faid, that though voluminous, they might be arranged under two or three general heads, and for the purpofe of clearly inveftigating the merits of the fuggeftions, it was neceffary to diftinguifh them. It was impoffible for him, or for Parliament, to fpeak in adequate commendation of the labours of thefe gentlemen. they had given lights

lights to Parliament on subjects hitherto involved in the most inscrutable obscurity, which if pursued by the Legislature with equal energy and wisdom, would be productive of the most valuable benefits. It was his duty, and the duty of the House, to profit from the Reports which had been laid before them. Without going at length into the mass of matter which the twelve Reports contained, it was his wish, he said, to lead the House to the review of their labours in the gross, rather than the detail, and under the distinct heads into which the whole might be resolved. These heads were, in his mind, the following:

1. The Commissioners had turned their attention to the manner in which the revenues of the country were collected.

2. They had then entered into the consideration of the several offices of expenditure, and of the manner in which the public money was issued through the Exchequer. And,

3. The manner in which that money, so issued, was chequed and controlled, and how it was ultimately accounted for to the Exchequer.

Under these three heads, he believed, might be comprehended all the subjects embraced by the Commissioners in their twelve Reports. The first, namely, that which respected the collection of the revenues, and which made the subject of the two first Reports, had already considerably engaged the public attention. Their ideas with respect to the collection of the land tax, had been improved in a great measure, and considerable benefit had been derived from their suggestions. Instead of suffering the produce of the tax to lie, as had been usual, in the hands of the Commissioners, means had been taken by Parliament to enforce the more speedy payment of the sums in their hands, and that they should be themselves rewarded by fixed salaries, rather than by fees and poundage. In this part of the Reports, therefore, he believed the Committee would not find any thing so materially deserving of their consideration, as in other subjects which he should have occasion to mention in the course of what he had to say.

In the same manner, another topic, included in this branch of their inquiry, the Post Office, had been in the late act considerably amended. The Commissioners stated in the Report, that the Post Office was directed to pay 700l. a week to the Treasury out of the produce of this branch of the revenue; and that this was a very small sum, in proportion to the sum derived from this fund. The Committee would, however, recollect, that in the last bill, when the addition was made to the duty on letters, and the other regulations were

were introduced, the Office was directed to pay 3000l. inſtead of 700l. into the Treaſury, and this ſum was now regularly paid. He believed it was as much as could be weekly drawn from the Office, leaving a ſufficient ſum in their hands to anſwer the exigencies of the Office. This being the caſe, the Chancellor ſaid, he would not detain the Committee in this ſtage, but would haſten to that on which he deſigned to move them that night.

The ſecond branch of the Reports, and which comprehended five or ſix of their number, was, as he had ſtated, an account of theſe public offices, and their conduct, through which the money paſſed in its application to the various ſervices for which it was granted. He would firſt call their attention to the Navy Office, as that which immediately after the Pay Office was the moſt important. The Pay Office had of late been conſiderably amended, and was now brought nearly to the ſtate recommended by the Commiſſioners. It was the peculiar charge brought againſt the offices that ballances had been ſuffered to accumulate in the hands of the officers, and to lie in their hands long after they had quitted the public ſervice: balances were alſo ſuffered unneceſſarily to increaſe in the hands of officers while they remained in place. This very expenſive and inconvenient practice had ariſen from various cauſes, and was chiefly ſuſtained and perſevered in by the very great delay which there was in paſſing the accounts of public officers at the Exchequer, and the old and obſtinate forms of the Exchequer, which, however proper and accommodating they might be to our expenditure when they were adopted, were now infinitely too confuſed, dilatory, and intricate, for the enlarged buſineſs of our preſent expenditure. He had the happineſs to ſay, that his right honourable friend, the preſent Treaſurer of the Navy, had, in conſequence of the Report of the Commiſſioners on his particular office, taken the whole of the practice, and of their ſuggeſtions, into his moſt able conſideration; and he had, after much inquiry and deliberate conſultation, formed a plan which promiſed to be effectual. It ſeemed, in his eyes, to have all the ends in view which the Commiſſioners recommended, and which that Houſe muſt be eager to compaſs. It tended to keep down balances in the hands of the Treaſurer of the Navy for the time being, and to take them totally out of the hands of thoſe who might quit the office. Theſe were benefits which were not imaginary; and he truſted that his right honourable friend's ideas would not be found, upon trial, incompatible with the preſent forms, nor

inadequate

inadequate to the duties of office. They might at first be difficult, and, to men habituated to the old forms, unpleasant; but time would recommend as well as facilitate the scheme; and as it was only in case of a war, that material difficulty could occur in carrying it into practice, he trusted that that was a period so remote, that we should be familiarised to the new practice before the difficulty should occur.

This plan was framed on the suggestions of the Commissioners. Its first provision was, that every Treasurer, on quitting his office, should transfer the balances in his hands to his successor, and secondly, that every Treasurer of the Navy, while in office, should close his accounts every year. These were not impracticable regulations. The first might be accomplished by a change in the manner of keeping the accounts. It was now common, at the distance of a length of years, when a ship's books were nearly closed, to take such men as remained unpaid, and place them on an account of arrears. Why not do this at an earlier period, and in a greater extent? The principle was the same, though the operation would be on a larger scale.

In addition to this, we should have to simplify the manner of keeping the accounts, and in particular to remedy, by altering the great source and pretence for delay in the office, the practice of the sub-accountants. Instead of the manner now in use, of their receiving the money necessary to their several expenditures from the Treasurer of the Navy, and holding an account with him, by which he had a double credit, and was prevented ultimately from closing his account with the Exchequer until he had closed with all the sub-accountants; instead, therefore, of this old method, it was suggested by his right honourable friend, that the sub-accountants should draw, by imprest, the sums necessary to their several services, and should have personally to account to the Exchequer, giving at the same time the Treasurer for the time being regular information of the state of the application of the sums so drawn. In addition to these means, and to reduce the balances in the hands of the Treasurer of the Navy for the time being, and also of the sub-accountants, it was to be proposed, that the money should in future be placed in the custody of the Bank, as was now the custom with the army expenditure.

Another source of enhancing the balances in the hands of the Treasurer was, that every head of service was kept distinct, and the sums appropriated to each of the services were kept distinct: instead of this, it was proposed, that when the

ſum appropriated to any one ſervice ſhould be exhauſted, they ſhould not draw for more money while they had ſums in their hands originally drawn for other, and not diſſimilar ſervices. He ſaid not diſſimilar, becauſe he would not agree that the new ſcheme ſhould totally aboliſh the old forms. Diſtinct heads might be ſtill maintained; and they naturally divided themſelves into three — the Victualling, the Navy, and the Commiſſioners of Sick and Hurt. Under theſe ſeveral heads the ſums might be applied indifferently, either to the particular objects for which the money was originally drawn, or by taking ſums from the other ſervice, under the ſame head, which was not exhauſted. He had no doubt but from thoſe propoſitions, together with ſeveral other ſubordinate rules, a new ſcheme for conducting the office of the Treaſurer of the Navy might be adopted, which would fulfil the expectations held out in the Report of the Commiſſioners. He had no doubt but the Committee would go with him in his motion for leave to bring in the bill; and in that bill the propoſitions would be made much more clear than, he was afraid, he had made them in his imperfect ſketch.

The next great office in this branch of the Reports was the Ordnance; and he was happy that the ideas of the Commiſſioners had ſo intimately fallen in with thoſe of the office itſelf, for they had adopted and carried into effect a number of the ſuggeſtions thrown out in the Reports, which made it leſs neceſſary than it otherways would be for the Committee to enter much into the conſideration of what had been ſaid on this office now. One remark only occurred, and that was, that the cuſtody of the caſh ſhould be in the Bank.

In regard to the Pay Office the ſame obſervation was to be made. The practice had been moſt beneficially changed. Little or no money now remained in the hands of the Paymaſter, and no balance could accrue. One very material circumſtance in this office, however, ſtill remained to be amended, and that was the practice of the expenditure in the article of extraordinaries. This was a thing unqueſtionably more applicable to a time of war than peace, for this reaſon the Houſe had more time; but it would not be an unprofitable, nor was it an unneceſſary labour, to look back to what had been the practice in the late war with regard to theſe extraordinaries.

He was well informed that in the enormous accumulation of theſe extraordinaries very great peculation had occurred; and a careful review of the accounts might lead to conſequences highly beneficial to the Public. There was one circumſtance

cumſtance which, in ſuch a reviſal, muſt be particularly adverted to, and from which he muſt diſſent from the practice of the Exchequer. He entered his proteſt againſt the maxim, that a voucher, having all the formalities of a receipt, was to be conſidered and accepted as a complete diſcharge to the accountant for the ſum it ſpecified, without any farther inquiry. The Commiſſioners had well ſtated how defective vouchers, with all the requiſite formalities, might be, the accountant might have entered into collusion with the party who was to furniſh the commodities — or they might not have been furniſhed to the amount — or they might not have been delivered to the army. A variety of abuſes might have been committed, which it would be ridiculous to ſay a mere receipt would diſcover. He charged no officer with ſuch abuſes. He urged only generally, and ſtated this as a reaſon for inſtituting a cloſe and general inquiry into the whole of the expenditure under the head of Extraordinaries of the Army during the late war. For this purpoſe, ſufficient men muſt be armed with ſufficient powers; they muſt have power to call men before them, to force the production of papers, and to adminiſter an oath. The Comptrollers of the army accounts, gentlemen who deſerved moſt highly of the Public, were, in his mind, the moſt proper to be entruſted with this, as well as other ſubjects of inquiry, check, and control, which the bills that he ſhould move for went to introduce.

There were ſome other leſſer conſiderations in the office of the Paymaſter of the Army, which the Commiſſioners had recommended to the notice of Parliament. The Paymaſter of Widows' Penſions was an officer who might be ſpared, and the agents for the payment of the out-penſioners of Chelſea Hoſpital, and the whole management of the non-effective fund, required reviſal. The latter had been ſome time under the eye of the Comptrollers of the Army Accounts, and they had made very valuable amendments. To them alſo muſt be referred the accounts of the ſub-accountants, the general ſource of delay and procraſtination in every office.

He next adverted to the third branch of this very intereſting diſcuſſion, namely, the manner in which the money thus iſſued was afterwards accounted for to the Exchequer. In the view of this department, the firſt ſtriking circumſtance that occurred was, the mode of auditing theſe accounts by the Auditors of the Impreſt. This the Commiſſioners had ſtated with truth to be, not an accurate examination into the

uses to which the specific sums had been applied, but merely an inquiry into the arithmetical exactness of each account. As this minute disquisition had been already attended to in the various inferior offices, it needed no great degree of discernment to pronounce this examination absolutely nugatory. He felt, he said, great reluctance in saying, that the abolishment of such frivolity was absolutely requisite; he was loth to remove what bore even the shadow of control, though useless in itself, such an establishment carried sometimes with it a certain degree of awe as tended to render its purposes effectual. But when he considered that the emoluments of this office increased in a direct proportion with the public inability to afford such increase, he confessed he wished that progress terminated, and that another establishment, of less expence, and more utility, might succeed; an establishment where efficient checks, and substantial disquisition, might take place of mere numerical forms and examinations. He next entered at large into a mode of auditing the accounts of the navy, returned from the officers in its different departments, the Commissioners of the Navy, the Victualling, and the Sick and Hurt Offices. In each of these, though several regulations had taken place since the present inquiries were set on foot, there was still a necessity for further reformation. The mode of remedying those evils, which had been proposed by the Commissioners of Accounts, and to which he acceded, was, the consolidation of these different offices of audit into one general establishment, to examine into the account of every department, and invested with more efficient powers than any of the present offices possessed.

The great source, he observed, of the distressing embarrassment of accounts, in themselves rather too complicated, was, as he before suggested, the long credit given to sub-accountants. This it was prevented the Treasurers of the Navy from returning their accounts long after they had been out of office; and then, from the unaccountable relaxation and neglect which pervaded the entire system, these accountants were suffered to retain the balance of the public money in their hands, some even so long as forty years. This was not a late object of his attention: he had, two years since, when first he retained his present office, thrown out this idea as an important subject of inquiry; some time, when out of office, he had followed it still farther, by stating to that House, that the sums then unaccounted for amounted to no less a sum than forty-seven millions, and by moving at the same time, that an official inquiry should be instituted. The busi-

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neſs was then looked on as a mere chimera, and was treated with great pleaſantry of imagination by an honourable gentleman oppoſite him, whoſe pleaſantry, indeed, he was happy to ſay, could eaſily ſport on any ſubject. The idea, at that time, went abroad, as if he had diſcovered forty millions of the public money which had been ſtolen, and which he had offered to reſcue from the hands of the robbers. Had ſuch an idea eſcaped him, he would indeed have been a fit mark for ridicule. But to return to his motion in its reality, he had the pleaſure to ſay, that what was then treated as a mere romance had proved itſelf a tale of truth; what was then a ſhadow, was now converted into ſubſtance. From the inquiries that had been inſtituted, he was happy to inform the Houſe, that no leſs than twenty-four millions ſo unaccounted for, had been diſcovered; and that the balance in favour of the Public, on the accounts already examined, amounted to no leſs than 257,000l. which ſum, he had no doubt, he ſhould be able immediately to collect, ſo as to apply it to the uſe of the current year; and further, that he ſuppoſed that on a further reſearch into the accounts that had been already brought forward, and on a progreſs through the remainder, the balance would be conſiderably and ſubſtantially increaſed. The manner in which it was intended to proceed was, by commanding the debtors of the nation to pay in the abovementioned ſum, which had been already acknowledged, and afterwards to compel them, by proceſs, to ſtand a more particular examination.

Highly as he thought of the labours, and much as he commended the application and abilities of the Commiſſioners of Accounts, he ſaid he muſt differ from them in one particular: they had admitted, that in the tranſactions of the late war, and of courſe, were the precedent admitted, in every future one, a receipt, paſſed through the uſual forms, ſhould in every reſpect be deemed as a ſufficient voucher. Inſtances, he ſaid, had occurred in that period which rendered an inquiry neceſſary, which ſhould certainly take place when the ſuppoſition of payment, and conſequent iſſue of the receipt, were both found to originate in a colluſive fraud. He mentioned another charge againſt the Auditors of the Impreſt, which was, that their proceedings were not only ineffectual, but tedious in the extreme. He remarked it as a curious circumſtance, that though the emoluments of the Auditors had, in one year, made 16,000l. each, they had in no year ſince made half that ſum. He would not ſay that lazineſs here predominated over avarice, but he would men-

tion to the House what he thought the probable cause. The clerks in this office, in whose power it chiefly lay to expedite or retard the different papers, were paid not by a certain salary, but by fees. Here was an intercourse established which ought on all accounts to be suppressed, as that same fee, which might be made the motive for dispatch, might also, if suitable to the intentions of the donor, be converted into an instrument of delay.

The only argument, he said, that could be adduced against the abolishing this and the like offices, was, that it would be deemed an infringement on patent rights, which the possessors considered as a species of freehold. But he would first observe, that in every such trust there was an implied condition that the duties of the office be faithfully discharged, and that this condition, in the present instance, had been violated. It could not, he hoped, be contended, that the duties of a public office were to be infringed, yet the emolument received merely because it was held by patent right. To what wild excess, he asked, would not this doctrine lead, if once established. As well might they claim, in virtue of that patent, that the Public should still maintain to them that degree of profit which accidental circumstances, and the increase of the public debt, had at one time thrown into their hands, and that the nation should by that plea be compelled invariably to pay a sum of 19,000l. per annum for the transaction of business, for which in fact 500l would be an overpayment.

It would, perhaps, he said, be considered as an omission, if he did not advert to the consolidation of offices proposed by the Commissioners of Accounts. The most of the offices alluded to could not, he said, with propriety, be referred to any but the Excise department, which was already overloaded. In one instance the exception had been taken away, as the Commissioners of Stamps, who were subjected by this proposal to a change, had now a sufficient degree of employment, as most of the supplies of last session had been raised by taxes incidental to their departments. Two other commissions were in themselves so trifling, that it was scarcely necessary to mention them at present; he had not considered where they could be annexed; and, in fact, imagined, that he would have soon to propose to the House their total abolition.

The Chancellor then informed the House, that he should conclude by moving for leave to bring in such bills as he had alluded to in the different parts of his speech, and moved accordingly.

cordingly, "That leave be given to bring in a bill for "better examining and auditing the public accounts of this "kingdom."

Mr. Sheridan.

Mr. *Sheridan* rose to ftate to the right honourable gentleman that he was miftaken in a particular fact. The book he had alluded to was not an authentic voucher prepared at the inftance of the Treafury, but the private memorandum book of an individual. Mr. Sheridan reminded Mr. Pitt of what had at the time paffed in debate on the fubject of that book, and of the amendment that had been moved, changing the words of the original motion in two places, in one, the words, "It appears to this Houfe," was changed to "This "Houfe having reafon to believe," and in the other the words "amounting in the whole to forty-feven millions," were changed to "large fums of money."

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* admitted that the honourable gentleman was correct, and that he had erred in what he had before faid, but he declared, he well remembered that when the book and its contents were under difcuffion, a right honourable friend of that honourable gentleman had treated the propofition with infinite ridicule, and faid, inftead of forty-feven millions, he did not believe forty thoufand pounds would ever be come at. Nay, Mr. Pitt faid, he was not fure whether the right honourable gentleman had not gone fo far as to fay that he did not believe the Public would ever fee forty pounds of the money due from the fub-accountants, who were defaulters.

Mr Rofe.

Mr. *Rofe* defired to be permitted to fet an honourable gentleman (Mr. Sheridan) right in point of fact. The book in queftion was prepared at the inftance of the Treafury, as his right honourable friend had ftated. Mr. Rofe gave an account of his having originally fuggefted to Lord North the idea of calling upon the fub-accountants to pay their arrears to the Public, and of his having gone to Mr. Mollifon, the fecretary to the Commiffioners of Accounts, and afked him, if with proper affiftance fuch a book could not be made out. That, in confequence of that, the book was prepared; that it was paid for by the Treafury, and was to all intents a public voucher.

Mr. Sheridan.

Mr. *Sheridan* maintained the contrary: he faid it was the private memorandum book of Mr. Mollifon, that it had been brought forward againft Mr. Mollifon's confent, and that he had complained of it to him.

Mr. Fox.

Mr. *Fox* faid, he knew not whether the words a right honourable gentleman had referred to, as having been ufed in the

the former debate upon the book, had made any part of his arguments or not, for he really had forgot what his arguments were upon the occasion, but if the debate had taken place the preceding day only, he might possibly ... "he claimed the merit of doing that business that ... "to the executive Government, that he would ... "it to be taken out of the hands of Administration ... "man should run a race with him on the ... "the House of Commons itself should not ... "about the matter." After this ... could not suppose that the House had ... the levity the right honourable gentleman ... cause, on looking to the ... or the address upon the subject, he found ... "This House ... "reason to believe," &c. &c. &c. Now, he could not imagine that the House would ever hold such language, or say it "had reason to believe," except when it meant to be perfectly serious. There were in the right honourable gentleman's speech many things suggested that were exceedingly proper, but if the right honourable gentleman meant to insinuate any blame upon the Administration in which he had held a share, on the score of their not having turned their attention towards official regulations and reform, let the right honourable gentleman recollect, that, of the three years since the year 1782, when a change in the Ministry took place, that Administration, of which he had been a part, had been in office not quite one year, whereas the right honourable gentleman had been in Administration two years out of the three, and nevertheless he was willing to compare his one year against the right honourable gentleman's two, perfectly sure that it would be found that more essential reforms had been made by those with whom he had acted, than by the right honourable gentleman. In support of this assertion, Mr. Fox instanced the bill for the better regulation of the office of the Paymaster General, a bill drawn in as masterly a manner, and a bill that reflected as much credit, and threw as much solid glory on its author, as any bill that ever had been brought into that House. Mr. Fox said, there was one matter that the right honourable gentleman had touched upon, to which he could not subscribe, and that was, the idea that the increased profits of the Auditor of the Imprest, or any other patent officer, arising from an unforeseen and unexpected increase of the public expence and the public debt, were not to be deemed so sacred, but that they ought to be considered as liable to a reform. He knew perfectly well, that

that it was looked upon as invidious, and was always unpopular, for any man to hold an opinion such as he held, and ever would avow, on that subject. This must ever be the case, where the Public and an individual were the parties. The public looked to their own interest alone, and that naturally and unavoidably made them partial. But in spite of that partiality, in spite of the unpopularity that would attend such a declaration, he scrupled not to say, that he would on no account consent to touch any part of the emoluments derivable under a grant of the Crown.

Let gentlemen look at property of every kind, let them look at the landed estates of the kingdom. Most of them had originally been grants of the Crown, and would any man, because those estates were now productive of infinitely larger rents than could probably have been foreseen or imagined, venture to meddle with them, or think of assuming any part of those rents? Why should not a place, or the emoluments a man received under a grant of the Crown, no matter whether by a duty, by fees, or by annuity, or in any other manner, be held as sacred a freehold, as a person's freehold estate? Mr. Fox declared, it was not his intention to have said any thing in that stage of the business, but it was impossible for him not to have taken notice of the matter he had just spoken to.

As soon as Mr. Fox sat down, the question was put, and agreed to.

Mr. Chancellor *Pitt* then moved, "That leave be given "to bring in a bill for the better regulating the office of Treasurer of His Majesty's Navy, and for transferring the custody of the cash for Ordnance service, from the Treasurer "of the Ordnance to the Bank of England." Mr Chancellor Pitt.

This was put and agreed to.

The House were then about to rise, but

Mr. Chancellor *Pitt* said he had a motion to make, that probably might not be equally well received. It was, he declared, a motion that he had once before made in that assembly, and which, when modelled into the shape of a bill, had passed that House, but been thrown out by the other. The objection formerly made to the bill, Mr. Pitt said, had been, that Government could carry its object, without passing any new law for the purpose. This, however, was more specious than true. Government could not do it without the institution of certain Commissioners to undertake the duty. The Commissioners of Accounts had their attention wholly engaged by a different, and a very important object, and the Mr Chancellor Pitt.

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ſaw no reaſon why the object of the intended bill might not be undertaken, and put into progreſs at the ſame time. He concluded with moving, "That leave be given to bring in a "bill for appointing Commiſſioners to inquire into the fees, "gratuities, perquiſites, and emoluments, which are or "lately have been, received in the ſeveral public offices to "be therein mentioned, to examine into any abuſes which "may exiſt in the ſame, and to report ſuch obſervations as "ſhall occur to them for the better conducting and managing "the buſineſs tranſacted in the ſaid offices."

Mr Fox

Mr. *Fox* ſaid, it was very true, when the bill under that title was before in Parliament, he had done what he very ſeldom did, forborne to deliver his ſentiments upon it. The reaſons why he did ſo were various. His attention was wholly engaged with watching the manœuvres of the right honourable gentleman, and thoſe who were connected with him, elſewhere. Mr Fox hinted, that he ſuſpected that at that very time the plan for his overthrow, by the means of ſecret influence, was operating, and having aſſigned that as a reaſon for his ſuffering the bill to go to the Houſe of Lords, he ſaid, the objection that was then moſt obvious to his mind in reſpect to the bill, was, that the executive Government was equal to the object of the motion of itſelf but of that he ſhould be a better judge when the bill was upon their table.

The Attorney General.

The *Attorney General* (Mr P Arden) caught at Mr Fox's acknowledgment of his having ſuffered the bill to go to the Houſe of Lords to be there thrown out. This, he ſaid, was a fair confeſſion on the part of the right honourable gentleman, that the Houſe of Lords might be rendered uſeful, by being employed to throw out ſuch bills as, for reaſons of conveniency, it might be thought adviſeable to ſuffer to paſs the Commons. Having obtained a laugh at Mr Fox's expence, Mr Attorney ſhortly ſtated his reaſons for being of opinion that ſuch a bill was neceſſary, and that Government could not, unleſs Parliament armed it with ſpecial powers for the purpoſe, proſecute ſuch inquiries as the bill went to the inſtitution of.

The Solicitor General.

The *Solicitor General* (Mr Mac Donald) ſaid a few words in corroboration of this argument. He cited the caſe of an inquiry into the conduct and uſages of the Court of Chancery, that had been ſet on foot by Adminiſtration in 1733, but which, for want of Miniſters having applied to Parliament to be armed with the neceſſary powers, had not been brought to a concluſion till the year 1739.

February

February 18.

Colonel *Fitzpatrick* acquainted the House, that he had in his hand a petition from the electors of Westminster, praying to be heard by counsel at the bar, in defence of their just rights and privileges, and to state new facts which they were not apprised of at the time of presenting their former petition. He stated the variety of difficulties and disadvantages they laboured under; and that they conceived one great reason of the scrutiny being continued, was owing to the evidence which was adduced at the bar some days since being incompetent and defective. He desired the House to call to its recollection, that particular stress was laid, in a former debate, on Mr. Fox being shy of going into the parishes of St. Margaret and St. John. Since that debate, a fact had come out, which very much engaged the attention of the Public, and which he conceived would surprise the House, when he came to relate, that the High Bailiff, the next day of meeting after he received his new orders, in the presence of some hundreds of electors, and before several members of Parliament, openly declared, and authorised them to state, "that an offer was made by the counsel for Mr. Fox, whilst "in the parish of St. Anne, to go next into the parishes of "St. Margaret and St. John; which proposition was refused "by the counsel of Sir Cecil Wray." Therefore, whenever evidence of that fact was produced at their bar, he trusted they would put an end to so destructive a measure as the scrutiny, which was carrying on contrary to law or justice. In order to shew that he had not stated the petition falsely, he begged leave to read it; which he did as follows:

Col. Fitzpatrick.

"To the Honourable the House of Commons.

"The humble Petition of the persons whose names are subscribed, in behalf of themselves, and several thousand "electors.

"That your petitioners, understanding that a motion "had been made in this honourable House, relative to the "election for Westminster, and that the High Bailiff of this "city, and his two assessors, had been ordered to attend, abstained from desiring this honourable House to permit them "to offer any evidence relative to the scrutiny carried on for "Westminster, or to be heard by their Counsel in support "of their rights.

"That your petitioners have now reason to believe, that "the evidence given at the bar of this honourable House

"was defective and incompetent, and that farther material "evidence may be laid before this honourable House, touch- "ing the said scrutiny.

"Your petitioners, therefore, humbly pray this honour- "able House, that they may be permitted to produce such "evidence, and to be heard by their counsel at the bar of "this honourable House."

Lord F. Campbell. Lord *F. Campbell* observed, that in his opinion the petition could not be heard, as it would be contrary to the rules and orders of this House to admit one petition in support of another that had already been decided.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* presumed the petition was meant to be laid upon the table, and if it contained new matter in addition to the former, he could have no objection: but he could wish to hear the petition read over again distinctly by the clerk, as he then should have an opportunity of hearing whether it contained any thing improper.

The petition was then read by the clerk.

Col Fitzpatrick. Colonel *Fitzpatrick* then moved, "that the petitioners be "heard by counsel, in support of the said petition on Mon- "day next."

The Attorney General. The *Attorney General* (Mr. Arden) said, if new grounds had been discovered, and facts made known, which were before concealed, there certainly could be no objection to hearing the petition, especially if the petitioners conceived the facts were such as would induce the House to make a fresh order; but if the petitioners were the same, and had no new ground to state, certainly the petition in question must be contrary to all rules of order or sound policy, and could not be heard; nor in fact could the petitioners be heard to any part of the former petition.

Colonel Fitzpatrick desired the learned gentleman to read the petition, and he would see the petition stated new grounds.

Mr. Rolle wished to hear the High Bailiff explain the fact as stated by the right honourable gentleman.

Mr. Sheridan. Mr. *Sheridan* stated the propriety of the petition, and that the evidence meant to be adduced could not be given before. The petition was couched in decent terms, and therefore he presumed might be heard; for he trusted no person would lay down the doctrine, that the proceeding of Parliament was not liable to be arraigned.

The Speaker. The *Speaker* said, the present motion was to hear counsel on the petition just received; but if counsel was meant

to be heard in support of both, the motion would be otherwise.

Mr. *Fox* said the Speaker was certainly right, and no person was more strenuous than himself for the orders of the House to be observed, but he had an equal desire to see justice done, which must, at least ought to go hand in hand with the order of the House, in the present instance, he would have the House consider, the petitioners desired to be heard in defence of their rights. Mr. Fox.

Mr. Chancellor *Pitt* said, if the sole wish was to state new matter, he had no objection; but he was of opinion it was meant for vexation and delay, merely to harrass Administration, and in point of time the petitioners were too late, as they ought to have laid in their claim before the day for hearing petitions was expired. With respect to the remark made, of a right to arraign the proceedings of Parliament, certainly in some instances that right existed, and persons were undoubtedly at liberty to petition against an act of Parliament, yet then their petition should be couched in terms of respect; but here, he hoped, by hearing of counsel, the House did not mean to make a voluntary surrender of its rights, and permit the counsel to tell them at their bar that they had granted a scrutiny, which was contrary to the first principles of law and justice, and that the House being incomplete in point of numbers, every act which passed in the last Parliament was illegal, oppressive, and absurd; such a liberty would, in his eyes, appear contrary to all order or decency, and could not be permitted. But if the petitioners did not foresee what they now state, it was rather extraordinary, and their silence was in some degree disrespectful to the House. But if they were to be heard in defence of their rights, and God forbid but they should, in his opinion the House would be competent to stop them the moment they went into any of the allegations set forth in the former petition. With respect to hearing counsel on the business, he was not at all surprised that the electors wished to be heard by counsel on the business at this time, for undoubtedly had they trusted their cause in the hands of the lowest person in the profession who walked Westminster Hall, they could not have been served worse than when they, in a former debate, trusted their cause to the right honourable gentleman (Mr. Fox;) for the very material fact that was to elucidate the business, he forgot to mention, but indeed, on second recollection, he did not believe the right honourable gentle- knew that an offer was made on his side to go next into the Mr. Chancellor Pitt.

pariſhes of St. Margaret and St. John, for he gloried in having prevented it, ſaying, that he muſt have been an ideot to have ſubmitted. Now if he was not ſuch an ideot as to ſubmit, he was ſcarcely ſuch a madman as to propoſe.

Mr *Fox* ſaid, the right honourable gentleman, he ſuppoſed, prided himſelf on his ingenuity, but he truſted that he ſhould be able to ſhew that it had no effect, for the fact was ſimple and plain, that he did refuſe to go into the pariſhes of St. Margaret and St. John firſt, for no other reaſon than that his opponents were prepared for that pariſh and he was not, but when the ſcrutiny had gone on ſome time, and his friends and counſel, to whom he certainly owed many obligations, had made proper inquiries in theſe pariſhes, then the propoſition was made, and he was ready to meet them on fair grounds He muſt own, the right honourable gentleman had touched him in a tender point, when he ſtated, that he had been negligent of a duty to the electors of Weſtminſter, he hoped he never ſhould be negligent of their rights yet he was ever free to declare, that for himſelf, and he believed he could ſpeak for almoſt every other perſon, that they never had an idea of ſo particular a ſtreſs being laid on the circumſtance of not going into St Margaret's pariſh firſt, if they had, care would have been taken to ſhew by evidence, that it was not the fact, but gentlemen ſhould conſider, that the rule on which that buſineſs was conducted on the former day, was, firſt to hear evidence, and then argument therefore, before the argument took place, the evidence was diſmiſſed, and it was not to be wondered at, if, on hearing ſuch a multitude of argument, which the right honourable gentleman (Mr. Pitt) was pleaſed to ſay was founded on fact, reaſon, law, and the conſtitution, ſo trifling a thing as this new matter eſcaped. But for his own part, he did not wonder that in ſuch a dearth of facts, ſuch poverty of law, ſuch an imbecillity of reaſoning, and ſuch a violation of the Conſtitution, as the right honourable gentleman made uſe of, ſo trifling a circumſtance as not going into a particular pariſh firſt, ſhould be the beſt reaſon that could be adduced for ſo inſignificant and ruinous a meaſure as continuing the ſcrutiny. But the right honourable gentleman had oppoſed him during the whole of the election, and taken every meaſure to prevent his being choſen; not, indeed, by making ſpeeches, but by arguments far more perſuaſive — there lay the vexation, there was the delay and intent to harraſs; but he hoped, he would now ſeriouſly recollect, that in oppoſing the petition, he was putting a ſtop to the electors of Weſtminſter

minster being heard in defence of their dearest rights relative to representation. As to putting the business off, he must own that he was in hopes it would have come on that day, for he loved speedy decisions; but as the period fixed was so near, he was by no means sorry, as it would give the House an opportunity of turning the matter well in their minds, and seeing the dangerous consequences of such a doctrine as was meant to be established, of letting the petitioners be heard only in part of the numerous grievances they had to complain of.

The question was then put and agreed.

Col. *Fitzpatrick* then moved, "That the High Bailiff do attend the House on Monday next, and that Mr Philipps and Mr Corbett do attend," which motions were agreed to. Col. Fitzpatrick.

Mr. Chancellor *Pitt* observed, that as it appeared the proposition of going into St. Margaret's parish was made from one Counsel to the other, it was necessary that Sir Cecil Wray's counsel should also attend; he therefore moved, "That "Mr. Morgan do attend," which was agreed to. Mr Chancellor Pitt.

February 21.

Mr *Burke* said, he thought it was not improper at the present period of time, to make an allusion to the affairs of Ireland. They were of the utmost importance, and demanded the most serious attention of Parliament. The point to which he meant chiefly to confine himself at present, was this—that he thought Ireland an independent country, and that as it was acknowledged in a great measure to be so by Parliament, it would be quite improper for any member of the British House to interfere farther, than so far as merely related to matters wherein both countries were reciprocally concerned. The great matter he understood, with respect to the propositions which the Minister intended to make, were, a supply from that country to this, towards the support of His Majesty's navy, and that the money was to arise from a surplus, or saving, in that country. He did not know on what ground of policy this was to be adopted in Ireland, for at present, taking their accounts for the year 1781 and 1782, which was the time when the Legislature of this country might look with propriety to what was done there, their expenditure exceeded their income by 500,000l. per annum. Now, when they were a distinct imperial kingdom, perhaps such savings had been made as would enable them to pay towards the navy of this country. It would be a new undertaking Mr Burke.

taking, for at present they were unacquainted with the traffic of navy bills and navy debts. The right honourable gentleman was then entering into a conversation about his conduct being misrepresented formerly on the Irish business, and of the injury it did him with his constituents, when

The Speaker informed him there was no question before the House.

Mr Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that on a former day it was mentioned that the Irish affairs should be taken up in a few days, and that it was his intention accordingly to open the matter to Parliament the next day. He observed, that the gentlemen on the other side the House had used industry to insinuate a sort of argument against the propriety of taking up this measure after it had been mentioned, and that they were equally fond of holding out the necessity of bringing it before Parliament, antecedent to any thing being laid on the business. But as what Government had to propose was founded on the truest principles of policy and justice, attempts to defeat them would prove abortive. He should lay the substance before Parliament as he promised, on the morrow, if the regular authenticated opinion of the Irish Parliament came time enough, of which, without some accident happening, there was little doubt. It would be idle to take up the subject before the substance on which the House were to decide was authentically before them.

The order of the day for hearing Counsel in behalf of the electors of Westminster, in support of their petition, was moved and read.

Colonel Fitzpatrick then moved, "That the Counsel be "now called in," but before the question could be put on this motion,

Lord Fred. Campbell.

Lord *Frederick Campbell* rose to move an amendment. His Lordship observed, that if the Counsel were permitted to range at large into the question of the election and scrutiny, there would be no end of the proceedings; and he thought it would be very inconsistent with the dignity of the House, to let them agitate questions that had been already decided: the legality of the scrutiny was not now to be impeached; the House had already given judgement upon that head; and it would be indecent in the Counsel to arraign it, after its being confirmed on due re-consideration: he was aware that he might move the amendment he intended to propose, after the Counsel should be called in, and as soon as he should hear them proceed to maintain the illegality of the scrutiny, but he thought it more respectful to the House, and to the Counsel,

ſel, that the inſtructions which he was anxious ſhould be given to the latter, ſhould be communicated to them immediately on their appearing at the bar, rather than they ſhould be afterwards ordered to withdraw, and the Houſe ſhould be every minute debating whether theſe learned gentlemen were in order or not: for this reaſon, therefore, he moved, "That after "the words 'that the Counſel ſhould be now called in,' ſhould be added the following, "and that the Counſel be "reſtrained from going into any matters, but ſuch as tend "to prove the evidence offered at the bar of this Houſe on "Wedneſday the 9th day of this inſtant February, defective "and incomplete, or ſuch other matters as may have been "diſcovered ſince the order of this Houſe of the ſame date."

This amendment produced a long debate, in which a great number of ſhort ſpeeches were made by different members.

Mr. *Jolliffe* ſaid, that if he was ſurpriſed at hearing ſuch a motion, he was much more ſo at finding from what quarter it came. The noble Lord had generally acted with candor, fairneſs, and impartiality: but he was ſorry to ſay his conduct on this occaſion bore not the ſtamp of theſe honourable qualities; on the contrary, it was marked with the ſtrongeſt features of injuſtice; for he could not conceive how the noble Lord imagined the Counſel could do juſtice to their clients, if they were to be reſtrained from arraigning a deciſion, which was the very ground of their complaint; and unleſs he ſhould ſuppoſe, what for the honour of the noble Lord he would wiſh to be unfounded, that his Lordſhip wanted to defeat the object of the petition, he could not find ſenſe in his amendment: better far would it have been, that the petition itſelf, in ſupport of which the Counſel were now to appear, had in a bold and manly manner been rejected in the firſt inſtance, than that it ſhould, in this puſillanimous way, be rendered ineffectual, by ſilencing thoſe who were to maintain it. Mr. Jolliffe.

Sir *Charles Barrow* appealed to the Speaker, and requeſted he would inform him, whether, conſiſtently with the orders of the Houſe, two propoſitions, incompatible with each other, could be blended into one. Sir Charles Barrow.

The *Speaker* replied, that this point had often been diſcuſſed by the Houſe, and though in general two inconſiſtent propoſitions could not be thus blended, for any ſerious purpoſe, yet the practice of coupling two [illegible] motions together, for the purpoſe of fixing abſurdity on the whole, had often been permitted as a method for taking the ſenſe of the Houſe on any particular queſtion. The Speaker.

The

Mr. Eden. Mr. *Eden* observed, that the amendment might be considered in various points of view; and in every one of them it would appear unnecessary, in some of them absurd. He wished, if possible, to ascertain what was the precise idea that the noble Lord wanted to convey to the House: if by restraining the Counsel from going into any other matters than what should tend to prove the evidence given at the bar to be incomplete and defective, the noble Lord meant to prevent them from giving evidence, the amendment was nonsense, as Counsel did not give evidence, but commented upon that which was given; if the noble Lord wished to give efficacy to the prayer of the petitioners, or to acquire such informations as would enable him fairly to determine whether there was any real foundation for their complaint, he surely took the most preposterous method, by gagging the Counsel, and thus preventing them from saying, what in their judgement they should conceive to be most for the benefit of their clients. For his part, he should thank the noble Lord, if he would be so obliging as to state any one argument, that could induce moderate and impartial men to look upon his amendment as a proposition that could be reconciled either to justice or common sense.

Lord Fred. Campbell. Lord *Frederick Campbell* could not agree that his amendment deserved to be treated in so severe a manner: his only objects were to preserve the dignity of the House, to prevent the Counsel from using arguments to prevail upon it to act so inconsistently, as to rescind, this day, a resolution which had been passed this session upon the most mature deliberation. He conceived his motion might be made, without meeting any objection, after the Counsel should have been called in, and should have been found to pursue a line of argument inconsistent with the dignity of the House, but he thought it might be done with more propriety than at present. He knew that two petitions had been presented from Westminster, that upon one of them the House had already passed judgement, and he was anxious only to prevent the Counsel from producing any evidence in support of that petition, which was no longer before the House.

Mr. Eden. Mr. *Eden* was still dissatisfied with the amendment, to which he said he had not been in the least degree reconciled by the noble Lord's explanation. If the Counsel should prove the evidence already given defective and incomplete, and should adduce such other proofs as would convince gentlemen that the scrutiny ought to be abandoned, what would then become of the dignity of the House, which the noble

Lord

Lord seemed so desirous to preserve? Would it sacrifice justice to consistency? Or would the noble Lord advise it to persevere in error, merely for fear it should be charged with inconsistency? The amendment and the petition were irreconcileable, and if the noble Lord persevered in the former, he would do well to move next that the latter be flung over the table.

Lord Maitland.

Lord *Maitland* declared he never had been a witness to so extraordinary a proceeding, as was that of the noble Lord's, in moving the amendment: it had hitherto been the constant practice and custom for the Counsel to advise and regulate the proceedings of their clients; but the noble Lord would overturn this practice; and the Counsel would no longer enjoy this privilege; they were no longer to receive instructions from their clients, but from the House; and they were not to urge what they should think most advantageous for the cause of their employers; but what it should please the House to direct: so that he could not conceive for what purpose any man, or set of men, should employ Counsel in future. The noble Lord had said much about the dignity and consistency of the House: true dignity, in his opinion, consisted more in the renunciation of error, than in an adherence to a resolution lightly formed, and unsupported: and a perseverance in it, under the idea of preserving consistency, was nothing better than obstinacy: but it was something worse, when such a resolution could not be maintained without injustice: and injustice surely it would be in any tribunal to tell Counsel, that having once determined to hear a particular point discussed, it could not suffer them to urge the very grounds on which the complaints of their clients were founded, and which were most likely, if agitated, to procure them redress.

The Attorney General.

The *Attorney General* (Mr. Arden) not seeing the amendment proposed by the noble Lord in the same light, in which it appeared to those who combated it, could not give up the opinion he entertained of its propriety. He was not one of those who thought that the House ought not to order the High Bailiff to make a return; he thought, on the contrary, that such an order ought to be made, if it appeared that the returning officer was acting *mala fide*. He was not one of those who would stand up for a rigid adherence to resolutions once taken; and had no opinion been given by the House since the last session, he certainly would think gentlemen too stiff-necked, if they refused to re-consider their resolution of last year. But in fact, it had been re-considered in the present session, and, upon re-consideration, confirmed. To agitate, then, the question of the legality of the scrutiny, after

ſo recent a deciſion, would be wantonly to ſport with the dignity of the Houſe. He had often before given his opinion upon the law of this queſtion, and he was not afraid to repeat it, that a ſcrutiny granted *bona fide*, at the meeting of a Parliament, might be continued without the violation of any law. The Houſe had twice adopted this opinion, why then would gentlemen preſs upon it for a third deciſion? Indeed he ſaw no end to the proceedings, for no ſooner ſhould one petition from Weſtminſter be diſpoſed of, than another would be preſented, and ſo the Houſe would be called upon from day to day to pronounce the ſcrutiny legal. The right honourable gentleman (Mr. Fox) had frequently thrown out ſomething like a menace, or, to uſe a leſs unbecoming word, an inſinuation, that a queſtion would be brought forward every week upon this buſineſs; and indeed when he ſaw how few the ſubſcribers to the petition were in number, he could not but think that it was deſigned to divide the electors of Weſtminſter into ſeveral claſſes, and make each of them ſign a petition, that one might be ready for each week, which ſhould hamper the Houſe perpetually with queſtions on the legality of the ſcrutiny. So diſreſpectful and indecent a proceeding could be prevented only by ſuch a meaſure as had been propoſed by the noble Lord, and which ſhould have his moſt hearty ſupport.

Mr. Powys. Mr. *Powys* remarked, that the Houſe having decided upon the legality of the ſcrutiny, he was precluded from treating the deciſion with that diſreſpect which, in his private opinion, it deſerved; but though the Houſe ſhould confirm it over and over again, he ſhould ſtill maintain, that when the Houſe directed the High Bailiff to proceed in the ſcrutiny, the Conſtitution, in his judgement, received a wound, which could not be cured but by the moſt expreſs condemnation of the ſcrutiny in the Journals.

Mr. Vyner. Mr. *Vyner* declared, that had he had the honour of a ſeat in Parliament when the buſineſs of the ſcrutiny was brought before the Houſe, and an order was made for the High Bailiff to proceed in it, he would have conteſted againſt it, as againſt a meaſure by which the Conſtitution would receive its death wound; and he did not heſitate to ſay, that the blow having been given, the diſſolution of the Conſtitution could only be prevented by a ſpeedy reviſion of the reſolution of the Houſe, and the expunging it from the Journals.

The right hon. Henry Dundas. The right honourable *Henry Dundas* ſaid, that this ghoſt of the Weſtminſter ſcrutiny would perpetually haunt the Houſe day and night, without giving it a moment's reſpite, unleſs the

the resolution of the noble Lord were adopted. Similar instructions had often been given to Counsel, and had been voted even before the Counsel had been called in, and he quoted from the Journals the case of Mr. Alderman O[illegible]ver, who, when an order for his attendance in his place had been communicated to him, (in the affair for which he was sent to the Tower with the Lord Mayor) petitioned the House that he might be heard by his Counsel; the prayer of the petition was granted, but the House resolved at the same time, that the Counsel should "be restrained from saying any thing "against the privileges of this House."

Mr. [illegible] was of opinion, that the noble Lord's amendment would lead the House into a greater inconsistency than [illegible] that from which he would be [illegible] to guard it; for the House having received, [illegible] to be read, a petition from some electors of [illegible], and ordered that they should have leave to be heard by their Counsel in support of the same, the noble Lord wanted to persuade the House to [illegible] in this point, reject what in the former it had adopted and ordered: this would be an inconsistency the more inexcusable, as there was not so much as a single argument advanced that could give a colour to such a proceeding. This petition, on which the electors wished to be heard, had no necessary connection with any other, and therefore it was a most curious circumstance, that, for fear any thing should be said about another petition, with which the present was unconnected, the Counsel were to be restrained from speaking in support of the allegations of their clients, who had already received the leave of the House to plead their cause by proxy; but if their proxy was to be restrained from pleading in support of the petition, for what purpose could leave have been given? The petition was far from being disrespectful, for though the electors complained that they were deprived of their representations, they said they had paid their share of the taxes that had been imposed by a Parliament in which they were not represented. In order to throw a ridicule upon the amendment, he moved an amendment upon it, so that the amended amendment would run thus "and that they be restrained from going into any "matter not contained in the said petition, in support of "which the petitioners had prayed, and obtained leave of the "House to be heard by their Counsel."

Mr. *Dundas* said this would have no other effect than to cause the same question to be debated in a different form. Mr. Dundas.

Lord Muncaster

Lord *Muncaster* concurred very much with those who wished to see an end of the scrutiny, and of the expences with which the parties concerned were borne down; and he believed it was then in his power to point out a mode by which these desirable objects might be attained. It had been said within these few days, "that the right honourable gentleman (Mr Fox) had proposed that the scrutiny should be carried into the parish of St. Margaret and St John." if this was true, it would greatly facilitate what he had so much at heart for he had then in his power a proposal to make, on the part of Sir Cecil Wray, to the right honourable gentleman, which he would read as part of his speech. It was in substance, that Sir Cecil wished the scrutiny should immediately be adjourned to St Margaret's and St John's, that Sir Cecil would then object to four hundred votes, given to the right honourable gentleman by persons, stating themselves to be resident householders of this united parish, that he would object to them, not as paupers, or persons not rated in the parish books, but merely as not resident householders, as non-entities, that if he should disqualify so many as that he should obtain a majority on the poll, he should then be returned, and the right honourable gentleman should have the liberty to petition the House, that if he (Sir Cecil) should not disqualify these votes, he would then give up both the scrutiny and the right of petitioning afterwards.

Mr Fox

Mr *Fox* observed, that as the noble Lord had so personally pointed to him, he presumed it was expected he should immediately say something in reply to so singular a proposition. It appeared to him very singular indeed, that though Sir Cecil Wray and he were frequently together, he had not thought proper to communicate to him in private, or in the vestry room, the extraordinary proposal that had been just read by the noble Lord. it was also very singular that he should have thought proper to have it communicated to him publicly in the House of Commons. Such a proceeding he thought to be very disrespectful, and were he inclined to make a compromise on the occasion, he would not treat the House with so much indignity as to make it a party to it. As to the proposal itself, he must say he was astonished at the impudence of it, and was really at a loss how to treat it. Sir Cecil proposed that the scrutiny should be immediately adjourned to St Margaret's and St. John's. Amazing good nature! After his opponent had disqualified as many votes in St. Martin's as he could, and finding it was likely there should be, after all, a majority against him there, he was anxious to have the

scrutiny

scrutiny stopped in St Martin's, and transferred to St Margaret's. Here again he seemed to make a candid offer, by confining his objections to those voters only whom he should be able to disqualify, as not being resident householders. but there was more the appearance than the reality of good nature and candour in this proceeding, for it was very well known that the principal objections on both sides were to votes given, not by paupers, or non-entities, but by those who were not such resident householders as to be entitled to a vote. But what was transcendently candid and good natured in Sir Cecil was, that, beginning the scrutiny himself in St. Margaret's, he should be returned, if he should disqualify such a number in that parish as would give him a majority over Mr. Fox in the numbers as they stood at the close of the poll; and this, too, without waiting for Mr. Fox to disqualify in return the objectionable votes that Sir Cec. should have in the same parish. But, come what would, he would never consent to so base a compromise he should never give up the right he had to have determined by a Committee under Mr. Grenville's bill, the question of the return on the day on which the writ, from which the High Bailiff's precept derived its authority, was returnable, and until he should be convinced to the contrary by a resolution, he would not believe that fifteen gentlemen could be found in that House, who, upon their oaths, would not determine that the power of the precept expired the moment the writ for Middlesex was returned, and consequently that the High Bailiff ought to have returned him to that House on the 18th of May last. Having said thus much upon the proposal directed so plainly to him, he expressed a hope that, for having spoken on this occasion, he should not be precluded from speaking again, a little later, to the question before the House.

Mr. *Bankes* approved of the right honourable gentleman's conduct, in not listening to any compromise in the House, whatever he might do out of it. He wished with all his heart that there was an end of the scrutiny, in which, unfortunately, the House had engaged, and out of which he wished his right honourable friend (Mr. Pitt) fairly extricated. As to himself, he had opposed the scrutiny both in the last and the present session; he condemned it still, and he would always maintain it as his opinion, however he might differ from those whom he most esteemed, that the return ought to have been made for Westminster, together with the writ for Middlesex. However, as the House had ordered the High Bailiff to proceed in the scrutiny; as the end of such a proceeding was most de- Mr. Bankes.

firable, and as gentlemen feemed to wifh only for evidence that would juftify them in ordering a return, he would wifh the amendment carried, in hopes that proofs would be brought to fhew, that the evidence on which the fcrutiny had been continued, by order of the Houfe, was defective and incomplete. Thefe new proofs would, perhaps, have the defired effects, and then the bufinefs of the nation would no longer be interrupted and impeded by debates on the fcrutiny. He hoped that his own confiftency would not be impeached after this explanation, though if it fhould, he might, like another gentleman (Mr Powys) in the laft Parliament, juftify his falling off from his own opinions, becaufe the Houfe had decided againft them.

Mr. Fox Mr. *Fox* declared it was very far from his inclination, and from his intention, to impede the public bufinefs of the nation, and he affured gentlemen they had mifunderftood him, when they imagined he had faid, that there fhould be applications made to Parliament every week on the fubject of the Weftminfter election, he had never faid any fuch thing; but this he had faid, that at every turn Minifters would meet this fcrutiny; they would find it ftanding in the way of a parliamentary reform, and defeating all its purpofes, they would feel that it had raifed fufpicions of the Minifter's fincerity, in declaring himfelf the friend and patron of reform. It had been remarked by a learned gentleman, that there were only a few names to the Weftminfter petition, he did not expect to have heard fuch a remark, for though he might have procured thoufands of fignatures, if he had invited the electors to a public meeting, he thought it would have been better to prefent a petition with a few names, than to difturb the quiet of the city by a meeting in Weftminfter Hall. But fhould fuch remarks be repeated again, fuch a meeting might poffibly be thought neceffary He was not at all furprifed that Minifters fhould wifh to be fairly rid of the fcrutiny, it was high time for them to blufh at it, when they found themfelves deferted on that queftion by the moft refpectable of their friends, and by none more refpectable than the honourable gentleman who fpoke laft A learned gentleman faid, "the Houfe was to be haunted day and night by the ghoft of "the Weftminfter fcrutiny." The learned gentleman had, probably affifted at fome fplendid reprefentations of late (Macbeth) in which the ghoft of a guilty confcience haunted the murdoer, he might well catch the idea, and tremble for his Houfe of Commons that had murdered the electors of Weftminfter, and left them aerial forms and fpiritual effences,

without

without representatives, well might he fear to be haunted by the ghost of the scrutiny; well might he fear it would push him and his friend from their stool. Where could he find a man who would not tell him he was sick of his scrutiny? Were not all the Minister's friends tired of it? Did not their stomachs turn at it, not because it was nauseous from excessive sweetness, but from its extreme bitterness? Was there a learned man connected with the Minister, who, out of that House, did not condemn in the most pointed terms the beginning and prosecution of the scrutiny? He himself had heard a few days ago, in another place, (the Court of King's Bench) a learned gentleman, who knew how to treat with invective in the House the declared enemies of the scrutiny, speak of that proceeding with greater disapprobation than he could well have conceived, for he there heard him say, that all law and sense were confounded in the scrutiny. In this the learned gentleman was right, he could wish only that he would endeavour to be right always and uniform, and not find one doctrine for the bar and another for the senate. There was no doubt that the majority of the House most heartily wished for the end of a proceeding that disgraced it, but how was that to be accomplished? Was it by rejecting both law and reason? By refusing to hear arguments that would make the absurdity of the proceeding appear in glaring colours? The poor expedient of the amendment proposed by the noble Lord, would be found truly futile, if the learned gentlemen, who were to appear at the bar, had a mind to evade it, and they would be able so to connect the evidence they had now to adduce with that which had been already given, as to introduce the one whilst they were seemingly urging only the other. For his part, he did not see any expedient short of rescinding the resolutions already passed to cure the wound that had been given to the Constitution, for if the scrutiny was to be continued to the same length that the principles would go on which it was ordered, it would last for ever. In discussing this point, two great general propositions would be found to create insurmountable difficulties. One was the universal affirmative, that in every possible case whatever the House was justifiable in granting and carrying on a scrutiny, when the returning officer's conscience required it. The other was the universal negative, that in no case whatever had the House a power to order a returning officer to make a return until his conscience should be satisfied. If the latter should be denied, what would be the consequence? Why, that the former must stand unimpeached.

2 For

for if the House must order a scrutiny whenever the conscience of a returning officer called for it, it would follow, that the House could not, consistently with this delicate regard for conscience, compel the man to return the members as long as his conscience was undetermined; and therefore a scrutiny might last as long as a Parliament. From this he hoped gentlemen would perceive the absurdity of the past proceedings of the House, and the necessity of providing a remedy for the wounded Constitution of the country, and none could be effectual but the expunging the past resolutions, and entering another upon the Journals, passing upon the doctrines contained in them the most unreserved censure. Before he sat down he begged to say a word in support of an honourable member near him, (Mr Powys) who had been charged with having abandoned his own opinion on a former occasion in the last Parliament, merely because the House had decided against them the fact was not so — the honourable gentleman did not change his opinion at all, he even went so far as to say, that he thought the House wrong in the resolutions it had passed, but that nevertheless the House having declared it had no confidence in the Ministers of the Crown, the present Chancellor of the Exchequer ought not to have remained in office. As to the motion of amendment made by the noble Lord, he hoped it would be rejected; and that should a motion be made that the High Bailiff do make his return, it would meet with no opposition; if it should, it was out of his power to say what farther applications the electors of Westminster would make to the House.

Mr Bearcroft. Mr. *Bearcroft* said, he was the person alluded to by Mr. Fox as having declared in the Court of King's Bench, that the scrutiny was the confusion of all law and common sense. but he said this was not the manner in which he had expressed himself, but having to argue a cause that had some little connection with the Westminster election, he said he would endeavour to steer clear of that question, which confounded all law and common sense: he was surprised that the right honourable gentleman, whose abilities were transcendently great, should condescend to become a mere word catcher. He then said, that ever since the right honourable gentleman had set out upon popular grounds in Westminster, he had degraded himself, as well on the scaffold in Westminster Hall as on the coach-box in Palace Yard, harranguing the multitude. Adverting next to the question before the House, he paid the highest compliment to Mr. Sheridan, who, he said, had the quickest penetration, and the liveliest and quickest wit he ever

ever knew with man: his amendment was ingenious, and well calculated to throw ridicule upon that of the noble Lord; however, he would adhere to the latter, and support it with his voice. He concluded, by repeating what he had said on a former occasion, that he was decidedly of opinion that the scrutiny was legal.

Mr. *Hardinge* wished most anxiously to have it understood that he did not rise so soon after the right honourable gentleman (Mr. Fox) had closed, as presuming to answer him, but in order to save his own former argument, such as it was, from the censure which had been thrown upon it by so eloquent and so able a man. Mr. Hardinge.

He said that he believed him too ingenuous to misrepresent, and much too clear in his powers of apprehension to misconceive any one who could make himself understood.

He would, therefore, have supposed the fault in himself, if he did not recollect that his own argument had been distinctly marked by others, who were yet levelled in the same attack with him. They, as well as he, are quoted as having said the Westminster scrutiny was legal, so as to compel the approbation of it upon the House, whatever grounds of justice might induce them to order an immediate return. He for one had never so argued, and he believed no man living had entertained so wild a conceit. It is one thing to say, that scrutinies, after the day of the return, are legal, *if there is a fair ground of justice for them*, and a very different thing to say that scrutinies, after the day of the return, bind the House to act upon them *in every case whatever*. He adopted, with pleasure, the emphatical words used by his learned friend (Mr Bearcroft) whose clearness of understanding and of expression he had always admired—the words "*granted bona* "*fide*" So qualified, in his opinion, *all* scrutinies were legal; and it was no argument against their *(admitted)* legality, *sitting a Parliament*, that if granted wantonly, they would be set aside in their progress, upon due complaint, or condemned after the return.

He stated, in the next place, that he and others had been reproved for the vote they should give that night, if they should vote against opening to Counsel the wide-field which had been claimed for them, as if such a vote must have this absurd reasoning at the bottom of it—"Let Counsel be heard "upon the *facts*, which they mean to adduce in evidence, "not upon the *application* of them" for the right honourable gentleman will have it, that if Counsel should be heard upon the application of the evidence offered, they must of necessity

complicate their argument with all the other topics of *legal* or *just*, which have been debated and closed by the House. There he differed extremely with him—he never dreamt of restraining Counsel to the mere statement of their *facts*—it would be a mockery upon them to put them under that restraint. He meant for one, that if they would confine themselves to the new evidence, and argue from those premises alone, the most ample field of *that* argument should be open to them, but he saw no injustice in restraining them to those limits; because he understood the single ground upon which they were to be heard at all was this—that facts could be verified by them, essential to the fair decision of the cause at large, but omitted by accident when the cause was heard.

He made no scruple to say that he protested against any farther discussion of the two votes upon the general subject, independent of this new evidence, and that being of that opinion, as the *Irish debate was* deferred, he would not commit the *bull* of reasoning upon the *justice* or *legality* of the vote in question, as an argument that it should not be *re-considered*. He would confine himself to the single point strictly in debate, and which he took to be this. Whether the law or justice of the Westminster scrutiny, in a general view of the argument, should be now re-heard at the bar, after two deliberate and solemn decisions upon it?

That in fact the law had been twice decided by the House at large, he proved by appealing to the two motions of the right honourable gentleman over against him, which, as they struck his ear, were syllable for syllable the same, and were put upon the *illegality* alone, but were negatived by the House.

He proved it farther by an appeal to the general course of each debate, which had been to lay the main stress upon topics of law.

He said the House were not exactly apprized of their full merit as judges in this cause, and a merit extremely difficult in practise—the merit of patience. They had heard upon the Westminster scrutiny *forty-eight* speeches, which at half an hour to each orator, gave twenty-four hours to the *eloquence* alone: he would say nothing of the witnesses, the points of evidence, and many other bye-battles fought with great spirit; the whole proceeding would reach the size of a large folio volume.

Yet he would readily own it was invidious to shut the door against any complaint by parties interested.

But

But, on the other hand, it could as little be denied, that a discretion resided in the most enlightened Courts of Justice under Heaven to reject or admit complaints after the judgement.

Was it, therefore, upon principles of justice, fit upon this occasion to admit the complaint?

He should say a few words upon the manner in which it came forward. A petition, complaining of the first vote in general terms, and marked with strong invective, lay snug in the pocket of a right honourable gentleman (Colonel Fitzpatrick) while the cause was re-heard. When it was again decided the same way, he produced that petition; but it must be owned, that he gave a *respectful* reason to the House for having made it his pocket-companion so long, namely, that his friends, the electors, could not believe the House would be *knaves* or *fools*. These were not the words, but I appeal to the House if they do not convey the substance of his apology.

This was, he owned, a masterly improvement upon the manœuvre practised in a former session, which he thought so clever at the time, that he despaired of any improvement upon it; but he saw a fertility of resource in the Westminster electors, which amazed him the more he had the honour to know of them. *That* manœuvre had for its object the acquisition of two Counsel more, while the cause was proceeding; and it was accomplished by a petition, the very same as that which then was upon the carpet, except that it stated a *political topic* omitted in the former. But *this* expedient of laying by till the judgement, and then saying, "I was not heard "upon the petition, which lay asleep in my own pocket; "hear me *now* upon it," was more ingenious; perhaps the *ne plus ultra* of ingenuity.

It was, indeed, thought a little *too ingenious*, and given up; yet if the *improved* petition is heard, upon its general prayer, to support *all the rights* of the electors, it gives them the *effect* of that very petition, which in *form* is abandoned by themselves. Before he took leave of that first petition, he would say that he differed from the noble Lord behind him (Lord Frederic Campbell), though he had the highest opinion of his head and of his heart.

The noble Lord had reprobated that petition for the terms of it; but he (Mr. Hardinge) could feel no such objections to it. Petitioners, he thought, could arraign the House, in a written form of complaint, with as much freedom as their Counsel could be heard for them at the bar; call things by

their hands, and give scope to their complaints, real or assumed, upon the measure, which it was competent for them to resist.

But *his* objections were to the *effect* of *that petition*, or (which he considered as the same thing) to the *general prayer of the petition then before them*.

He would state those objections to the House. First, he would ask, have no *Counsel* been heard in this present session for the electors?

Has not the right honourable gentleman himself been heard over and over again—the ablest of all Counsel for himself and those embarked in the same cause? He asked, if any advocate of this, or of any age, could be named in the same day with *him*—unless it would be said that a fee communicated every degree of eloquence and argument that human genius could form.

But have not Counsel been heard even at the bar? Two have been heard for two days together; and though in form, as witnesses, they have been consulted as lawyers, a noble Lord (Lord Beauchamp) went the length of asking one of them (gravely too) if *he did not think it most advisable for the House to order an immediate return?*

Had no other *professional* advocates been heard, could the House forget the subtle argument of his learned friend, who came from the other side of Tweed, (Mr. Anstruther) and who was grown fonder, he presumed, of the right honourable gentleman, as representing Kirkwall, (a second coalition even improving upon the first!) or could they forget another learned friend of his, who dealt in plain English, and saw a good Knight of the Shire for his own favourite county in the right honourable gentleman, either as representing Kirkwall or Westminster?

He reminded the House of the different powers which had been displayed by those advocates; one of them had given fly blows, the other very hard ones. They were the *Dares* and the *Entellus*, no longer opposed, but fighting against the Westminster scrutiny; one of them had the knack of refining upon a subject with great ingenuity—the other had a talent peculiar to himself, that of stating, with a noble indignation, truths, which no man living denied; or of asserting disputable tenets, without the ceremony of proof.

But would the House pay no attention to the many characters and advantages which resided in the right honourable candidate himself? He was a *party* in the cause, and the *tendon Achilles* proved it; for the House put off the last hearing at the

the request of his friend, (Mr. Ellis) because "*it regarded* "*him the nearest.*" Those were his words. Another day, when he fell into a passion, up rose an independent country gentleman (Mr. Marsham) to intercede for him, by saying, "Consider, gentlemen, that he is a *party*, and bear with a "little warmth in him upon that account." He is a *direct accuser*, he is a *witness*, (and if he chuses it, by a loud whisper across the House, while the *forma* witness at the bar is examined) he is *counsel*, *judge*, and *politician*, but above all, he is—*Mr. Fox*—*a poor man*, *a patriot oppressed*, and hated for his virtue (as he tells us himself) by the Minister of the day, who has left him for the sake of power, and supports it by corruption.

All these captivating topics had been day after day pressed upon the House, and pressed upon them in vain.

If it is a job (said Mr. Hardinge) as we are often told, and if *numbers* are to be the test of it, let us go to the test at once, and make a third experiment of our political strength.

If it is a point of sensual enjoyment, that we should hear more speeches upon the subject, if the House is *lassata viris nondum satiata*, let us jade the appetite which cannot be surfeited.

If it is a question of policy, it has nothing to do with law.

If it is a point of law, it has been deliberately settled by two successive decisions, and I am not ashamed of deprecating a third argument upon it, for this additional reason, that we are to legislate, as well as to act in judgment. It would be of dangerous example, in my opinion, to obstruct the energies of Government at such a time as this, by carrying the delicacy of our judicial character beyond the limits of that sober discretion, which any court of justice would make no scruple to adopt.

Mr. *Adam* enumerated the counsel on the other side: a judge high in office (the Chancellor of the Exchequer) had examined witnesses, and had even descended from the judgement, in order to plead the cause of Sir Cecil Wray. Another judge, high in office, had done the same the learned Counsel who spoke last but one had taken a very active part in the examination of witnesses, so that though Sir Cecil Wray had not a seat in the House, he had been able to procure a numerous bar of lawyers to defend his cause, and so eager were his judicial friends to promote the object of his heart, that they had descended from their high stations, to mix in the ranks with private advocates Mr. Adam.

Mr.

Mr. Martin. Mr. *Martin*, though a plain man, could not think himself justified in passing over the present question without mentioning, that conceiving the measure of a scrutiny to be from the beginning unpromising, and by no means according to the usage of the House on other occasions, he had voted against it before, and would now vote in favour of the Counsel going into every ground of argument, which might tend to prove the system ill founded in general. He wished, however, that the House might enable him to do this by not sitting up to such unreasonable hours as heretofore on the subject. The first part of the debate being generally taken up with the speeches of those who were most remarkable for eloquence, put it out of the power of others, who had an equal right to speak, either from giving their opinions or their votes. For his part, as he before mentioned, he would be very glad to divide on this occasion, if the House should enable him to do so, by coming to a decision in any reasonable time.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, that though neither his sentiments nor situations would justify him in being silent on this discussion, he was, however, resolved, that his trespass on the patience of the House should be of very short duration. Without considering himself to walk on those burning ploughshares, with which he was threatened from the opposite side of the House, should he still maintain his opinions on this question, without all those terrors and apprehensions about him, with which some expressions seemed calculated to impress him; he was still determined invariably to pursue that system, which seemed to him most commendable and advantageous; never disposed to relinquish his judgement for the threats of avenging ghosts, spectres, and apparitions, which were to haunt his guilty conscience, under the appearance of Westminster electors. When the honourable gentleman, in the warm colourings of his imagination, conjured up these spirits against him, and those with whom he had had the honour to act, it naturally occurred, that he, from frequent experience, was the fittest person to reduce the electors of Westminster to shadows and aerial beings, who had so often before given.

————————to airy nothing,
A local habitation and a name.—

With a mind perfectly easy, then, he could go this night to his bed, not fearing to be disturbed by the ghost of any Westminster elector; he could even venture to assure the honourable

rable gentleman, that on this occasion, however sanguine his hopes, and however founded his expectations, if he promised himself success on the issue of this question, he would find his calculations exceedingly erroneous. This question was barely on the order of proceeding, and by no means referred to the merits of the petition. In this he was borne out by the testimony of an honourable gentleman (Mr. Sheridan) who declared it this evening to be irrelevant to the general merits of the scrutiny, and the former petition, and a dereliction of sentiment, which he could account for on no other principle, than that the honourable gentleman was convinced by this, that admitting Counsel to go into a question on which the House had already decided, was a proceeding quite unparliamentary. To the numerous observations made on the other side for the purpose of observing that the introduction of this latter petition was attended with no delay, he need only remark, that if the electors of Westminster thought the substance of their former petition, and the conclusions they intended the House should draw from it, worthy of discussion by Counsel, they certainly would have demanded it; but not having done so, and coming afterwards before the House with another petition, desiring to be heard by Counsel on that as well as on the former, was, *prima facie*, a delay, without even considering on this occasion, their giving up that Counsellor, who formerly, and so ably, was accustomed to appear for them. He said, that the right honourable gentleman (Mr. Fox) had misunderstood, or misrepresented a noble Lord (F. Campbell) when he said, that objections had been made to the smallness of that number who signed the Westminster petition. For the noble Lord's argument was, and in his opinion a very good one, that by bringing petitions piecemeal before the House, the worst of precedents might be introduced; another party insisting hereafter, that whereas these men had been heard by the House, they should also have the same indulgence, and by these means the intrinsic and genuine merits might never come completely before the House. But it was to him not a little extraordinary to hear the right honourable gentleman giving instruction in what manner his Counsel should proceed, and denying that it was possible for the House to restrain them if they would. Indeed when it was considered that the point of information which now came out, was, the right honourable gentleman sanguinely wishing, and eagerly panting to meet his adversaries on that ground where he knew them to be best qualified; namely, in the parishes of St. John and St. Margaret, had openly proposed to carry the scrutiny

scrutiny immediately into them, though he had lately declared in the House, that he should be an ideot to agree to the same proposal when made to him by others; it was not any way strange that he should wish to give them a more ample field of discussion. In his mind, without granting them such an improper and unparliamentary indulgence, this might sufficiently support any inference from the matter contained in the present petition without any reference to the former. If they could argue nothing, without recurring to the other petition, it was easy to see that the reason must be, because this petition contained nothing on which they could argue. It was easy on this subject to appeal to the passions of people, as had been fully exemplified in the speech to which the House had lately with so much pleasure been witness. To him, indeed, it conveyed [illegible] menaces, but as he was determined not to let actual adversaries frighten him, neither would he be much terrified with the appearance of that learned gentleman, (Mr. [illegible]) whom he understood to be one of the Counsel, though yet smarting with the wounds his learned discipline inflicted on him, when he had not even the friendly interposition of the Chair to protect him. He was prepared to meet all the terrific muster, well founded and ably supported as he was by the rectitude of his opinion. There was but one way to decide, either to restrain the Counsel from going beyond the points which should occur under this petition, or the contrary. Should the House prefer the contrary, they would arraign their own proceedings and contradict their own orders, for the prayer of the former petition was, that the High Bailiff be forthwith ordered to make a return, though their directions to him were, that he should proceed with the scrutiny. Should the House agree to restrain the Counsel, which he trusted they would, it would be only maintaining their own proceedings. All the things considered, he concluded by giving his concurrence to the amendment first moved, well perceiving that the latter one left them in the same situation as before.

Mr. Sheridan.

Mr. *Sheridan* defended his amendment, and contended that the prayer of the petition was not absolutely to order the High Bailiff to make a return, but to take measures by which that object might be attained. If the House were so tenacious of consistencies, and that the High Bailiff stood so much upon his oath, the House need only take away his discretion, they might withdraw that authority under which he conceived himself to act, and accept his return. This would

would sufficiently remove all the objections on the score of the High Bailiff's conscience.

After this the question was put on Lord Frederick Campbell's amendment, on which a division took place, when the numbers were,

For the amendment,	-	203
Against it,	-	145
Majority	-	52

Mr. Erskine and Mr. Pigott being called to the bar, and the Speaker having read the order, Mr. Erskine addressed himself to the House as follows:

"Mr. Speaker,

"AS my learned friend and I cannot submit to the restraint "which the House, in its wisdom, has been pleased to impose "upon us, without departing from the positive instructions "of the electors of Westminster, whose right, under the "law, we were engaged and prepared, as lawyers, to assert "and support, we must beg leave to withdraw ourselves from "the bar."

They accordingly retired, and the High Bailiff was called to the bar, and during a close examination, answered the several questions proposed to him, to the following substance: That the declaration drawn up in the vestry by Mr. Sheridan (and read to him in the House) certainly was in his words, though all he said was not comprized in it. That Mr. Phillipps mentioned the challenge alluded to for going into St. Margaret's and St. John's, to Sir Cecil's Wray's Counsel, Mr. Morgan, across the table; but he could not tell whether seriously or in jest, as many other challenges were made, that he heard no more of that matter from the time in which it was proposed to Mr. Morgan, as he now mentioned, 'till after his late appearance at the bar of the House, and that it was not made in a formal manner to him. That he was not certain Mr. Morgan heard the proposal, though he had no reason to doubt but he did; and if Mr. Morgan made any answer, he could not charge his memory with it. By subsequent interrogatories, however, it was brought to his recollection, that Mr. Morgan answered he was not prepared. This circumstance, he said, did not diminish his scruples,

and made no impression on his mind either way *. That he got no lists of bad votes on Mr. Fox's side in the two parishes of St. Margaret and St. John, because he thought all that would come out in the course of the scrutiny which he granted that if he had received such lists, he could not make up his mind on them, except publicly at the scrutiny, as that was the way he thought himself authorised to proceed by Parliament that he could not pry into the breasts of men, and therefore did not wish to say whether Mr. Fox endeavoured to create greater delay to the scrutiny than Sir Cecil Wray, and he knew no overt act by which Mr. Fox's agents seemed afraid of going into these parishes that neither he nor his assessors had yet made out any plan for shortening the scrutiny, but were determined to do so when the scrutiny should be removed into another parish that if both parties chose investigators into each other's votes, and their decisions should be reported to him, it might satisfy him that if the

* The following is a copy of the deposition which Colonel Fitzpatrick read to the High Bailiff

" WE, whose names are under written, electors of the city of
" Westminster, require from the justice of the High Bailiff his testi-
" mony, in writing, upon the fact this day asserted by him in the
" Court of Scrutiny, viz That Mr Philipps, counsel for Mr Fox,
" and empowered to act for him in the proceedings of the said scru-
" tiny, did, while the votes objected to by Sir Cecil Wray or his
" Counsel were still depending from day to day in the parish of St.
" Anne, propose to proceed to the parishes of St John and St
" Margaret, immediately on their leaving the said parish of St
" Anne, and that the High Bailiff was greatly surprised that the
" said proposal was not accepted by the opposite party.

" R. B. SHERIDAN,
" 11th Feb. 17[illegible]. " JAMES BYFIELD,
" JOHN NICHOLLS "

" On application to the High Bailiff, and reading this paper to
" him, as altered, he admitted the statement to be correctly true,
" and added, that he had frequently expressed the same surprise to
" Mr. Grojan, and that he was ready to repeat it at the bar of the
" House of Commons

" J. ANSTRUTHER, M. P
" JAMES BYFIELD,
" JOHN NICHOLLS.

" Examined with the original paper,
" 11th Feb 1785, before us,
" GEORGE BOND,
" RICHARD NELSON."

proposal

proposal was accepted by Mr. Morgan, or if it came from him, he would acquiesce in it, though objection should be made by the electors themselves: that he was now no less embarrassed in his conscience than he had been at the time of his first granting the scrutiny, when he closed the poll. The High Bailiff, at the conclusion of his examination, was desired to withdraw; soon after which, on his complaining to the House of being indisposed, he was permitted to go home.

Colonel *Fitzpatrick* then rose, and having remarked that as some gentlemen seemed to think that to bring the Counsel before the bar would be a partial evidence, or that if the Counsel of one side should be heard, it would be necessary to hear the Counsel of the other, said, that he would move that the order of John Philipps, Esq. to attend the House be discharged; which being agreed to, he proceeded to comment briefly on the omission of that material circumstance in the discussion on the last petition, which being now given in evidence at the bar, rendered perfect and complete a deposition that before was otherwise. The House, in justification of the scrutiny, had alledged, that Mr. Fox was afraid of going into the parishes of St. John and St. Margaret, knowing that he would then lose his majority, but it was now sufficiently clear to them that the reverse was the very fact, and that his counsel had offered at an early stage to expedite the scrutiny, by immediately transferring it to those parishes. On considering this, as well as the slow and ineffectual manner in which the Court of Scrutiny proceeded, he had no doubt but the House would unanimously agree with him in the motion he intended to make, which should be in the very words of the motion lately moved on the same subject by Mr. W. Ellis, of whose abilities and experience he would now avail himself. He then moved, "That it appearing to this House "that Thomas Corbett, Esq. High Bailiff of the city of "Westminster, having received a precept from the Sheriff of "Middlesex for electing two citizens to serve in Parliament "for the said city, and having taken and finally closed the "poll on the 17th day of May last, being the day next before "the day of the return of the said writ, he be now directed "forthwith to make return of his precept of members cho- "sen in pursuance thereof." Col. Fitzpatrick.

Mr. *Dundas* could see nothing in the information which the House had now received which could induce them to alter their opinion. The same places in which Mr. Fox was said to be most vulnerable still remaining to be scrutinised, and one consideration in particular should be attended to, that Mr Dundas.

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the parish of St. Margaret stood next in the ballot, and the House on the event of that might in a great measure form their judgement, but till then he saw nothing to justify the motion now made. The proposal, as stated by the High Bailiff, was only a bravado, instances of which had before often appeared. That if Mr. Phillipps had been serious, he would have made this proposition in a formal manner, and it would have been much spoken of. Besides, the High Bailiff declared, he was still under as many embarrassments as he had been at the close of the poll. He concluded by opposing the motion.

Ld. North. Lord *North* entered into a refutation of Mr. Dundas's arguments. Nothing, he said, could more clearly prove Mr. Phillipps to have been serious in the proposal alluded to, than that Mr. Morgan answered, He was not prepared. It must require great preparation indeed to examine into Mr. Fox's bad votes in these parishes, if sufficient inquiry had not been made previous to this proposal, though these parishes seemed to be the first, both in point of time and attention, to which they directed their inquiries, but, in his mind, the principles on which the scrutiny was founded were sufficient grounds for putting an end to it. The difficulties which the House every day met in endeavouring to support the execrated system, and, above all, the unsettled and embarrassed state of the High Bailiff's conscience, should loudly and effectually call for the immediate termination of it. The High Bailiff had given some instances of his impartiality to the parties, but if any bias rested on his mind, it certainly was not in favour of Mr. Fox. But surely a man with so tender a conscience could not satisfy himself by scrutinising the votes in those two parishes, where Mr Fox's weakness was supposed to lie, without giving him the chance of trying those parishes in which he considered his principal advantages. He could scarcely suppose the partiality of gentlemen for Sir Cecil Wray would carry them to such extraordinary lengths as to desire that Mr Fox should not be returned on the face of the poll on the very day when the writ was returnable, and that Sir Cecil Wray should be returned on half a scrutiny. If this was considered as a remedy, it was such a one as made the evil much worse. With regard to the delays of the scrutiny, they were as innumerable as the causes which contributed to them, for in whatever point of view they were taken, they still more and more increased. If the number of bad votes in St. Margaret's and St. John's was greater than elsewhere, their investigation must still serve to prolong the

the ſcrutiny. It was ſaid to be protracted by one of the High Bailiff's aſſeſſors, who was a learned and an honeſt man, becauſe he thought fit, before he pronounced his deciſions, to go into the delay of hearing both ſides; and the ſucceeding aſſeſſor, though perhaps not ſo nice, muſt contribute in ſome degree to this delay, as probably he might ſometimes find himſelf under the neceſſity of hearing both ſides alſo. In the many funds for furniſhing this ſcrutiny with delay, ſome might be drawn from the proceedings of this Houſe on Friday laſt, when they refuſed to go immediately into the diſcuſſion of the queſtion for limiting counſel to what they ſhould ſpeak to, though they were reſolved to have done it on this. And what was not a little aſtoniſhing, theſe eternal advocates for delay were themſelves the firſt to exclaim againſt it. One learned gentleman carried his attention to the matter ſo far as to mention a liſt of forty-eight ſpeeches made on this ſubject. The learned gentleman's own ſpeech made the forty-ninth; and it reminded him of an old ſaying—"'Tis the laſt feather breaks the horſe's back." The noble Lord, adverting to the charge brought againſt Mr. Fox, for ſpeaking ſo often on a ſubject in which he was a party, ſaid, that every honeſt and patriotic man was a party. The gentlemen on the oppoſite ſide of the Houſe conſidered Mr. Fox as a powerful adverſary: that they firſt endeavoured by every means to keep him out of Parliament; and when, by the interference of the electors of Kirkwall, they found that was impoſſible, they then did all they could to keep him ſilent. He ſaid that theſe things were too glaring to be overlooked, and he truſted they would meet with the contempt which they merited.

Mr. Chancellor *Pitt* ſaid, if the new evidence was true, it certainly was material; but he doubted much of its authenticity, and as the ſcrutiny was now near coming to the pariſhes that were ſo ardently wiſhed for, he thought it ought to proceed; if it appeared otherwiſe to the Houſe, they were at liberty to adopt different ideas; but the matter appeared ſo plain to him, that he ſhould think himſelf culpable if he took up much of their time in diſcovering ſo clear a propoſition. Mr Chancellor Pitt.

Mr. *Fox* ſaid, the lateneſs of the hour, and the full and ample manner in which the noble Lord (North) had diſcuſſed the ſubject, made it neceſſary for him to ſay but few words. How any gentleman diſbelieved the evidence, he was at a loſs to know; or how any perſon could ſay it had fallen ſhort of expectation, was ſtrange; for it was a plain, Mr. Fox.

ſimple

simple fact that was not to be controverted, and as to the circumstance of his not being present when the proposal was made, it was well known that both Sir Cecil and himself, when they went out of town, left their causes in the hands of their Counsel, and Mr. Morgan certainly gave a clear, positive answer, when he said he was not prepared. But it was to be laid down that it could not be possible for Mr. Fox to be unprepared on the 10th of June, and ready on the 10th of July, but it was possible that Mr. Morgan might be prepared on the 10th of June, and not ready on the 10th of July. That it was a matter of surprise to the High Bailiff, that the proposal was refused was plain, for he declared that he had often since mentioned it to Mr. Grojan. But it surely was imagined that he must be an ideot, or such an indecent proposal as that exhibited by Sir Cecil, through the hands of the noble Lord, (Muncaster) could never have been made. It was nothing more or less than this — Let the High Bailiff make a partial investigation in one parish — strike off as many votes as would give him a majority — make an instant return, and leave him (Mr. Fox) to petition against the merits. No; whilst he had a majority on the poll, he never would submit to such an indecent and unconstitutional measure, nor could he by any means consider that House as a fit party to make a compromise on a business which, agreeable to law, ought to be decided in his favour; for it was a fundamental principle that he who had the majority on the poll should be returned, and he who, on investigation, had the most legal votes should be the sitting member. He had observed, by the questions put from the opposite side, that the High Bailiff's conduct had not pleased them, he was rather too conscientious for them, and not willing to proceed in the partial manner they wished for, it was plain that they had given him some broad hints to proceed in a manner that they were afraid to avow, and ought to be ashamed to be seen in. With respect to the finishing the next parish in eight days, let them do it as they wished, and, by striking off a number, partially make a return. But hardy and desperate as they were, he trusted they had not courage sufficient to do that.

Mr. Fitz-herbert. Mr. *Fitzherbert* said, that last year, when he gave his vote for the scrutiny, it was on a supposition that the idle tales were true, and that the scrutiny could soon be gone through; but now he was convinced the business was not to be finished under several years, and that the scrutiny was inadequate to do justice, therefore an end ought to be put to so shameful, so oppressive, and so arbitrary a measure. With respect to

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the conscience of the High Bailiff, it was a mockery of justice; and the Minister talking of a reform in the representation, whilst such a glaring absurdity as this was suffered to exist, was idle in the extreme.

Sir *William Dolben* thought it would be cruel to order the High Bailiff to make a return until his conscience was satisfied, if it was three years thence; and sooner than the scrutiny should be put an end to, he would move to address His Majesty to suffer it to go on, and to pay the expence on both sides, and to assure him, that the House would make good the same. Sir William Dolben.

Lord Galway, Sir Joseph Mawbey, and Mr Thistlethwayte, each said a few words against the scrutiny, after which the question was called for, and the House divided soon after one o'clock.

Noes,	-	145.
Ayes,	-	136
Majority for continuing the scrutiny,		9

February 22.

Mr. Chancellor *Pitt* brought up several papers relative to Ireland, the titles of which were read at the table. Mr. Chancellor Pitt.

The following are the Resolutions of the Houses of Lords and Commons of IRELAND.

Sabbati 12° *Die Februarii*, 1785.

1st. Resolved, That it is highly important to the general interest of the British empire, that the trade between Great Britain and Ireland be encouraged and extended as much as possible; and for that purpose, that the intercourse and commerce be finally settled and regulated on permanent and equitable principles for the mutual benefit of both countries.

2d. Resolved, That towards carrying into full effect so desirable a settlement, it is fit and proper, that all articles, not the growth or manufacture of Great Britain, or Ireland, should be imported into each kingdom from the other, reciprocally, under the same regulation, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, shall be fully drawn back on exportation to the other.

3d. Re-

3d. Reſolved, That for the ſame purpoſe, it is proper that no prohibition ſhould exiſt in either country, againſt the importation, uſe, or ſale of any article, the growth, product, or manufacture of the other, and that the duty on the importation of every ſuch article, if ſubject to duty, in either country, ſhould be preciſely the ſame in the one country as in the other, except where an addition may be neceſſary in either country [illegible] conſequence of an internal duty on any ſuch article of its own conſumption.

[illegible]th Reſolved, That in all caſes where the duties on articles of the growth, product, or manufacture of either country, are different on the importation into the other, it would be expedient that they ſhould be reduced in the kingdom where they are the higheſt, to the amount payable in the other, and that all ſuch articles ſhould be exportable from the kingdom into which they ſhall be imported, as free from duty as the ſimilar commodities or home manufactures of the ſame kingdom.

5th Reſolved, That for the ſame purpoſe it is alſo proper, that in all caſes where either kingdom ſhall charge articles of its own conſumption, with an internal duty on the manufacture, or a duty on the material, the ſame manufacture, when imported from the other, may be charged with a further duty on importation, to the ſame amount as the internal duty on the manufacture, or to an amount adequate to countervail the duty on the material, and ſhall be entitled to such drawbacks or bounties on exportation, as may leave the ſame ſubject to no heavier burden than the home-made manufacture, ſuch further duty to continue ſo long only as the internal conſumption ſhall be charged with the duty or duties, to balance which it ſhall be impoſed, or until the manufacture, coming from the other kingdom, ſhall be ſubjected there to an equal burden, not drawn back or compenſated on exportation.

6th Reſolved, That in order to give permanency to the ſettlement now intended to be eſtabliſhed, it is neceſſary, that no prohibition, or new or additional duties, ſhould be hereafter impoſed in either kingdom, on the importation of any article of the growth, product, or manufacture of the other, except ſuch additional duties as may be requiſite to balance duties on internal conſumption, purſuant to the foregoing reſolution.

7th Reſolved, That for the ſame purpoſe it is neceſſary further, that no prohibition, or new or additional duties, ſhould be hereafter impoſed in either kingdom, on the exp[illegible] of native growth, product, or manufacture

facture from thence to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits; and also except where there now exists any prohibition which is not reciprocal, or any duty which is not equal in both kingdoms, in every which case the prohibition may be made reciprocal, or the duties raised so as to make them equal.

8th. Resolved, That for the same purpose it is necessary, that no bounties whatsoever should be paid or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and such as are in the nature of drawbacks or compensations for duties paid, and that no duty should be granted in this kingdom on the exportation of any article imported from the British Plantations, or any manufacture made of such article, unless in cases where a similar bounty is payable in Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback or compensation of, or for duties paid over and above any duties paid thereon in Britain.

9th. Resolved, That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign States should be regulated from time to time, in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture of the other.

10th Resolved, That it is essential to the commercial interests of this country to prevent, as much as possible, an accumulation of national debt, and therefore it is highly expedient that the annual revenues of this kingdom should be made equal to its annual expences.

11th. Resolved, That for the better protection of trade, whatever sum the gross hereditary revenue of this kingdom (after deducting all drawbacks, repayments, or bounties, granted in the nature of drawbacks) shall produce, over and above the sum of 656,000l. in each year of peace, wherein the annual revenues shall be equal to the annual expences, and in each year of war, without regard to such equality, should be appropriated towards the support of the naval force of the empire, in such manner as the Parliament of this kingdom shall direct.

W. WATTS GAYER, } Cler. Parliament.
EDWARD GAYER, }

THOMAS ELLIS, Cler. Parl. Dom. Com.

Total amount of the Value and Duty of the IMPORTS into England from Ireland for five years, ending with Christmas 1783.

Years.	Value.	Duty.
1779	£.1,383,769	£. 4,820
1780	1,549,739	12,442
1781	1,433,788	5,974
1782	1,348,558	7,043
1783	1,499,228	9,574

The Inspector General's books are kept from Christmas to Christmas, and cannot be divided; therefore, this account ends at Christmas 1783, which is as far as the same can be completed.

J. TOMKYNS, Affift. Infpect. General.

Cuftom Houfe, London, Feb. 25, 1785.

A Lift of Goods on which higher duties are impofed on the impoitation from other Countries, than from Ireland, viz.

Bacon	Pitch
Butter	Pork
Calf Skins, raw	Refin
Cattle	Scaleboards
Cordage	Rape feed
Flax	Linfeed
Hemp	Rape Cakes
Linen of all forts	Goat Skins
Hides	Wood
Horfes	Yarn.
Iron	

J. TOMKYNS, Affift. Infp. General.

Cuftom Houfe, London, Feb. 25, 1785.

An Account of the grofs and neat Produce of the Hereditary Revenue of IRELAND for One Year, from Lady-day 1783 to Lady Day 1784:

Alfo of the Additional Duties and Stamp Duties for the fame Year, from Lady Day 1783, to Lady Day 1784; with the Charges and Payments affecting the faid Hereditary Revenue, Additional Duties, and Stamp Duties.

Hereditary Revenue for One Year.

Year.	Grofs Produce. £. s. d.	Charges and Payts. £. s. d.	Neat Produce. £. s. d.
1784	659,826 4 8?	261,912 16 11½	397,913 7 9?

Additional

Additional Duties for One Year.

Year.	Grofs Produce.			Drawbacks.			Neat Produce.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1784	382,352	11	11	16,160	0	8	366,192	11	3

Stamp Duties for One Year.

Year.	Grofs Produce.			Charges and Payts.			Neat Produce.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1784	34,580	1	2	8,263	10	[illegible]¼	26,316	10	7¾

THOs. BURGH, A[illegible] G[illegible]ral.

An Account of the Grofs Produce of the Stamp Duties, with the Charges and Payments affecting the fame, for Ten Years, from the commencement at Lady Day 1774, to Lady Day 1784, diftinguifhing each Year.

Years.	Grofs Produce.	£.	s.	d.
1775	Stamped Vellum, Parchment, and Paper, and value of Vellum, Parchment, Paper, and penalties -	24179	8	6½
1776	Ditto - - - - - -	19777	6	3
1777	Ditto - - - - - -	20834	8	10½
1778	Ditto - - - - - -	21194	1	9¾
1779	Ditto - - - - - -	21566	0	5¼
1780	Ditto - - - - - -	20594	12	3
1781	Ditto - - - - - -	33065	9	9¼
1782	Ditto - - - - - -	34447	9	4¼
1783	Ditto - - - - - -	35010	16	2
1784	Ditto - - - - - -	34580	1	2

Years.	Charges and Payments.	£.	s.	d.
1775	Salaries to Stamp Officers - -	3840	1	4
——	Incident charges - -	7589	0	9¾
——	Difcount allowed to purchafers of 10l. and upwards - - -	419	16	4½
		11848	18	5¾
1776	Salaries to Stamp Officers -	5220	6	9¼
——	Incident charges - -	2214	12	4½
——	Difcount allowed - -	269	0	7½
		7703	19	9¼

1777 Sa-

		£.	s.	d.
1777	Salaries to Stamp Officers -	5227	11	1¼
——	Incident charges - -	1832	16	2
——	Difcount allowed - -	280	6	11
		7346	14	2¼
1778	Salaries to Stamp Officers -	5469	10	1¼
——	Incident charges - -	789	8	5
——	Difcount allowed - -	287	18	10½
		6546	17	1¾
1779	Salaries to Stamp Officers -	5392	14	7½
——	Incident charges - - -	1560	11	10¾
——	Difcount allowed - -	272	2	3
		7225	8	9¼
1780	Salaries to Stamp Officers -	5570	8	5½
——	Incident charges - - -	1075	16	9
——	Difcount allowed - -	244	17	4
		6891	2	6½
1781	Salaries to Stamp Officers -	5462	16	0¼
——	Incident charges - -	1735	12	6½
——	Difcount allowed - -	353	7	5
		7554	16	3¼
1782	Salaries to Stamp Officers -	5462	5	6½
——	Incident charges - -	1445	1	9½
——	Difcount allowed - -	442	8	9½
		7349	16	1½
1783	Salaries to Stamp Officers -	5605	14	4
——	Incident charges - -	1600	3	2½
——	Difcount allowed -	411	7	4
		7617	4	10½

1784 Sa-

1784 Salaries to Stamp Officers -	5581	9	1
—— Incident charges - -	2304	5	8¼
—— Difcount allowed - -	377	15	8½
	8263	10	6¼

THO. BURGH, Acc. General.

An Account of the IMPORTS and EXPORTS of Tobacco, Rice, Indigo, Rum, and Sugar, into and from that part of Great Britain called England, for the Year ending at Chriftmas 1784; with the Duties and Drawbacks paid thereon; and diftinguifhing the Produce of the Duties impofed fince 1764.

IMPORTS.

	Quantity.	Duty. £.	s.	d.
Tobacco -	39,963,442 lbs.	2,495,633	13	11
Rice	123,870 cwt. 2 13 lbs.	45,419	4	6
Indigo - -	1,447,790 lbs.	Free.		
		Cuftom Duty only.		
Rum -	1,751,093 gallons.	39,747	0	8
Sugar	1,782,431 cwt. 1 11 lbs.	1,095,629	15	10

EXPORTS.

	Quantity.	Drawbacks. £.	s.	d.
Tobacco -	26,835,891 lbs.	1,675,845	9	9
Rice -	117,680 cwt. 12 lbs.	43,149	7	6
Indigo -	289,133 lbs.	Free.		
		Cuftom Drawback.		
Rum -	399,334 gallons.	9,064	4	11
Sugar -	111,308 cwt. 1 18 lbs.	68,700	0	10

Produce of the Duties impofed fince 1764.

	£.	s.	d.
Tobacco - - -	476,806	15	3
Rice - - - -	294	0	10
Indigo - - - - -	Free.		
	Cuftom Duties.		
Rum - - - -	3,634	4	1
Sugar - - -	497,971	6	3

Note.

Note. The Duties and Drawbacks on Tobacco are cast as if all paid down at importation.

JOHN TOMKYNS, Assist. Insp. General.

Custom House, London,
March 21, 1785.

An Account of the Imports into Ireland from Great Britain, for one Year, ending the 25th of March, 1784: distinguishing the Quantity, and Rate of Value, with the Duties now payable at Importation.

Ale, 1099 barrels; 4s. 1d. per barrel — Duty
Apparel, 1010l. 16s. 10d. val., 10l. 10s. per ct. 100l. val. do
Apples, 40 bushels, 1¼d. per bushel, nearest — do
Arms, 975l. 14s. 5d., 10l. 10s. per 100l. value do
Bacon, English, 67 flitches, 6¼d. per flitch, nearest do
———, foreign, 2s. 1d. per cwt. — do
Bark, 74,040 barrels, 1d. per barr. and 5 per ct. of same do
Battery, 47 cwt 3 qrs, 15s. 9d. per cwt. - do
Beads of glass, 6 lb. a 1s. per lb; 1¼d. per lb. nearest do
Beer, 53,152 barrels, 4s. 1d. per barrel — do
Books, bound, 143l. 13s 3d., 10l. 10s. per 100l. value do
———, unbound, 241 cwt 3 qrs., 2s. 1d. 1-5th per cwt. nearest - - - - do
Bullion, silver, 13,560 ounces, plated goods, here included, pay 6d. additional duty per ounce.
Berries, juniper - - - free
Bottles, of glass, 30,702 dozens; 4d per dozen, nearest Duty
Brass shruff, 45 cwt. 2 qrs. 14 lb., 6s. 4d. per cwt. nearest do
Bricks, 241,000, 2s. 1½d. per thousand, nearest do
Brimstone, 1521 cwt. 1 qr. 14lb., 1s. 1¼d. per cwt. nearest do
Cables, 8d. 2-5th per cwt. - - do
Candlewick, 225 cwt. 3 qrs. 7 lb.; 8s. 5d. per cwt. do
Capers, 14 qrs., 6s. 2d. per cwt. - - do
Cards, wool, dozen pairs, 1068 cwt. 11 qrs.; 8d. per dozen pairs, nearest - - - do
Chalk, 1016 cwt. 2 qrs.; 1¼d. per cwt. - do
Mohair, yards; 4d. per yard - - do
Worsted, 100 yards, a 2s. 6d. per yard; 3¼d. per yard do
Cheese, 3536 cwt. 14 qrs., 4¼d. per cwt. - do
Chocolate, lb. 103 qrs., 7½d. per lb. - - do
Coaches and chariots, &c. value 5140l.; 11l. 2s. 7d. per 100l. value - - - do
Coals, 259,097 tons, 1s. 9½d. per ton, nearest - do
Coffee, 193 cwt. 3 qrs. 7 lb., 5l. 8s. 8d. per cwt. do

Copper

Copper plates and bricks, 2215 cwt. 2 qrs. 7 lb.; 4s. 2d. 2-3d per cwt. nearest - - do
Cordage, 459 cwt. 14 lb., 1s. 2-5th per cwt. - do
Cork, 9 cwt.; 2s. 9d. 1-10th per cwt. - do
Barley and [illegible] 30,732 qrs.
Beans and p[illegible], 1184 qrs.
Oats, 4979 qrs.
Wheat, [illegible]2,745 qrs.; corn and flour at different rates, according to the market price do
Drapery, new, 323,217 yards; 2d. 1-10th per yard do
——, old, 351,848 yards, 6d. 3-10ths per yard do
Drapery prunella, 5d per yard, nearest — do
—— shag, 2291 yards, 6d. 3-10ths per yard do
Drugs, 8046l 2s. 0½d., 15l. 15s. per 100l. value on British produce or manufacture; on foreign, 20l. 15s. do
Allum, 3523 cwt. 2 qrs. — — free
Anotto, 1[illegible] cwt. 3 qrs. — — do
Ar[illegible]l, 28 cwt. — — — do
Brazilleto, [illegible]58 cwt. — — do
Cochineal, 7[illegible]58 lb. — — do
Copperas, 3641 cwt 3 qrs. — — do
Copperas, green — — — do
Fustic, 2669 cwt. 3 qrs. 7 lb. — — do
Galls, 1[illegible]2 cwt. 3 qrs. 7 lb. — — do
Indigo, 85,641 lb. — — — do
Logwood, 1293 cwt. 1 qr. 14 lb. — do
Madder, 58 cwt. 21 lb. — — do
Orchall, 95 cwt — — do
Redwood, 376[illegible] cwt. — — do
Sanders, 1 cwt. — — — do
Shumack 194 cwt. 3 qrs. 14 lb. — — do
Smalts, 1448 lb. — — — do
Stone blue — — — do
Weeds, 109 qrs. 14 lb. — — do
Woad, 12 qrs. — — — do
Small parcels, value 4113l. 18s. 3d. — do
Earthen and china ware, value 15,322l. 17s. 4d., 15l. 15s. per 100l. value on British, 20l. 15s. on foreign Duty
Elephants teeth, No. 206, 1l. 2s [illegible]d. per 100, nearest do
Fans, No. 1445, 8d. 2-5th per dozen — do
Fish—Anchovies, 3 5-8th barrels, 1s. 2d. per barrel, nearest — — — do
—— Cod, barrels, 1s. 0d. 3-5ths per barrel — do
—— Cod, No.; 4s. 2d. 3-5ths per six score — do
—— Herrings, 7740 barrels, 1s. 3-5th per barrel do

Fish—

Fish—Ling, No. 220 cwt. 1 qr. 25 lb.; 7s. per six score do
—— Oysters, 10 gallons; 10l. 10s. per 100l. value do
—— Salmon, tons. trs., 16l. 16s. per ton — do
—— Sturgeon, kegs; 1s. 6½d. per keg, nearest do
Flax, dressed, 3 qrs. 7 lb, 17s. 10d. per cwt. do
——, undressed, 1745 cwt. 2 qrs., 2s. 1d. 1-5th per cwt. do
Flints, 109,000; 4d. per thousand — do
Furs, 273l. 12s. 6d. value, 10l. 10s. per 100l. value,
British, foreign, 15l. 10s. per 100l. value — do
Fustians, 909 ends, 1s. 10d. per end — do
Cas... No. 2015, 3s. 9d. 2-5ths per case - do
Drinking glasses, No. 14,704, 1s. 11d. 1-10th per hund. do
Vials, No. 6708; 1s. 0d. 3-5ths per hundred — do
Glass ware, value 4407l. 19s. 1d.; 10l. 10s. per 100l. val. do
Gloves, 1036 pairs, 3s. 1d. 4-5ths per dozen - do
Grindstones, chalders, 17, 2s. 3¼d. per chalder do
Almonds, 3 cwt. 2 qrs., 9s. 3d 3-5ths per cwt. do
Anniseeds, 18 cwt. 1 qr. 7 lb., 7s. 2d. 2-5ths per ditto do
Cinnamon, 394 lb., 11d. per lb. nearest — do
Cloves, 595 lb., 1s. 3d. per lb. ditto —— do
Cocoa nuts, 8120 lb., 4d. 9-10ths per lb. - do
Currants, 209 cwt. 1 qr., 12s. 4d. 4-5ths per cwt. do
Figs, 2 cwt. 1 qr. 21 lb., 4s. 8d. 1-5th per dozen do
Ginger, 121 cwt. 3 qrs. 21 lb., if British plantation,
56l. 14s 10d. 4 4-9ths on 100l. on 1l. rate — do
Hulled barley, 10 cwt. 1 qr. 21 lb.; 3s. 1d. 4-5ths per ct. do
Liquorice, 171 cwt. 1 qr., 4s. 1½d. per cwt. — do
Mace, 614 lb.; 2s. 3½d. per lb. nearest — do
Nutmegs, 4166 lb., 7½d. per lb. ditto — do
Pepper, 81,336 lb.; 2 3-5ths per lb. — do
Pimento, 408 lb., 33l. 10d per 100l. on 6d. per rate do
Prunes, 2s per cwt. nearest — — do
Raisins, 1024 cwt. 2 qrs 7 lb.; 6s. 9d. per cwt. nearest do
Rice, 1473 cwt. 1 qr. 21 lb., 29l. 15s. 10d. per 100l. on
1l. 6s. 8d. per cwt. rate — — do
Saffron, 4 lb.; 3s. 2d. per lb. nearest — do
Succards, 210 lb., 3¾d per lb. ditto — do
Succhus Liquoricæ; 2½d. per lb. ditto — do
Sugar candy, 16 cwt. 1 qr. 14 lb., 1l. 16s. 9½d. per cwt. do
—— Loaf, 10,164 cwt. 3 qrs. 7 lb., 1l. 16s. 9½d. per cwt. do
—— Muscovado, 160,082 cwt. 2 qrs., 14 lb.; 13s. 3d.
132-203 per cwt. — — do
—— White, 12 cwt. 2 qrs. a 4l. per cent., 1l. 11s. 4d.
15 1-7th per cwt. —— — do

Small

Small parcels, 2231l. 3s. 3d., 10 per cent. on value, and 5 per cent. of that 10 — — duty
Gunpowder, 298 cwt., 5s. 3d. per cwt. — do
Gold and silver twist, 69 ounces, 8d. and 5 per cent. of same per ounce — — do
Inkle, wrought, 6 lb., 8s. 5d. nearest per dozen pounds do
——, unwrought, 28 lb., 2s. 6¼d. per doz. lbs. nearest do
Laces, 1650 gross, 9 dozen; 10l. 10s. per 100l. value do
Needles, 3036½ doz. M., mostly sewing at 4s. 9d. nearest, per 12,000 — — do
Pins, 37,700 doz. M., 1s. 6d. nearest, per 12,000 do
Thimbles, No. 118,294, 6s. 4d. per thousand - do
Gold and silver, 1008 lb. 6 oz., 4s. 2d. 2-5ths per lb. do
Threads, black, 1 lb., 3-5th per lb. excise, and value in customs — — — do
Bridges, 52 lb., 4s. 8¾d. per dozen pounds, nearest do
Outnail, 13 [illegible] lb., 3d. 4-5ths, nearest, per dozen lbs. do
Sisters, 1817 lb., 1s. 6½d. nearest, per pound — do
Whited brown, 124 lb., [illegible]s. 9¼d. per dozen pounds do
Small parcels, value 12,451l. 5s. 10d., 10l. 10s. per 100l. value — — — do
Hair, Camels 1d. 4-5ths per pound — do
——, Goats, 8176 lb., 11s. 10d. per cwt. nearest do
——, Horse, 4 cwt. 7 lb. a 6s. per cwt., 10s. 10d. per 100l. value — — — do
Hats, No. 3777, 2s. 3-5ths per piece — do
Hemp, drest 15s. 9d. per cwt. — — do
——, undrest, 4998 cwt. 1 qr.; 1s. 2d. 7-10ths per ct. do
Hemp seed, 944 hhds., 3d. per bushel, and 5l. per cent. on same — - — do
Hops, 12,187 cwt. 2 qrs., 1l. 2s. per cwt. — do
Horses, No. [illegible], 3d. each, and 5 per cent. of same do
Hardware, value 26,434l. 8s. 9d., 10l. 10s. per 100l. value — — — do
India silks and stuffs, 10l. 10s. per ditto — do
Iron, 62,956 cwt. 1 qr., 10s. 6d. per ton — do
Knives, No. 563,783, different rates — do
Mermits, No. 9890, 1s. 6d. 9-10ths per piece - do
Pots, No. 358, 1s. 6d. 9 10ths ditto — do
Razors, No. 22,212; 2s. 1d. 1-5th per dicker of 10 do
Sciffars, 675 gross, 5¼ dozens, 4s. 10d. 4-5ths per gross do
Scythes, 4686 dozens, 2s. 1d. 1-5th per dozen - do
Small parcels, 24,024l. 8s. 10½d.; 10l. 10s. per 100l. value — — — do
Iron ore, 648 tons; 10s. 6d. per ton — do

Ivory, wrought, 548 lbs. 1s. 3-5ths per lb. - duty
Lace, gold and silver, 63lbs. 2s. 1-6th nearest per oz. do
—— Thread bone, 2829½ yards; 4s. 2d. 2-5ths per dozen yards - - - do
Lampblack, 5128 lbs. 8s. 4d. 4-5ths per cwt. - do
Latten, 14 cwt. 3 qr. 7lb. 7 . 6d. per cwt. nearest do
Lead, pigs, 4687 cwt. 1 qr. 14lb. 12s. 7d. 1-fifth per ton do
—— Red, 2161 cwt. 2 qrs. 14lb. 2s. 9d. per cwt. nearest do
—— Sheet, 1644 cwt. 1 qr. 14lb. 1s. 3-fifth per cwt. do
—— Shot, 2068 cwt. 2 qr. 1s. 6d. 9 tenths per cwt. do
—— White, 2008 cwt. 14lb. 3s. 10d. 1-fifth per cwt. do
Lead Ore, 1 ton, 8s. 4d. 4-5th per ton - do
Lime, Lemon, and Orange Juice, 430 gallons free
Linen, British, 10,274 yards — — free
—— Buckram, 460 do. — — do
Callico, Stained, 2177 do. if British, 1s. 3d. per yd. duty
—— White, 26 do.; if do. 8d. 1-5th per do. do
Linen Cambrick, 1074 do. — — do
—— Canvas, 201,083 do. — — — do
—— Coloured, 8163 ½ do. 10l. 10s. per 100l. value duty
Damask, Napkening, 76 do. 7d 3-5th per yard, and 5 per ct. of same Silesia — — do
—— Tabling, 797 do. 10d. 4-5th per yard, and 5 per ct. of same, and more as in breadth — do
Diaper, Napkening, 20 do.; Silesia 8d. 1-10th per yd. and 5 per ct. of same — — do
—— Tabling, 76 do.; Silesia 9d. per yd. and 5 per cent. and more, as in breadth — — do
Linen, French, ells; about 10d. per ell — do.
—— Kenting, 495,180 yards — — free
—— Lawns, 116,863 do. — — do
—— Muslin, 16,896 do. 4d. 1-5th per yard, if British, 6d. more; and if foreign, 1s. 6d. more per yard — — — — duty
—— Ticken, do.; about 3s 2d. per yard, if British do
Linseed, 973 ½ hhds.; 3d. per bushel, and 5 per cent. of same — — — do
Linen, cotton, and silk British manufac. 113,072l. 12s. 9¼d. value; 10l. 10s. per 100l. value — do
Masks, No. on value — — — do
Mats, No. 2321; if Russia, 1d. 1-3d per mat, nearest do
Flour, cwt. qr. lb. 58,084 2 21
Oats, barrels 2105 ¾ at 7s. 6d. per barrel
Wheat, barrels 268 ½ different according to market price

Millinery

Millinery ware, val. 4685l. 13s. 8½d. 10l. 10s. per 100l. val. — — — — duty
Mill Stones, No. 4, 3s. 6d. 1-10th per piece — do
Mum, barrels 6s. 3d. 3-5ths per bar. — do
Oakum, cwt. q. No. 1667 21; 5s. 3d. per cwt. do
Olives, gallons, 50 ¼; 3d. per gal. nearest — do
Onions, barrels, 4d. 1-5th per barrel — do
Oranges and Lemons, cwt. qrs. No. 324; 10s. 3d. per thousand — — — do
Oil, Linseed, gallons, 602; 9l. 6s. per tun — do
— Sevil, gallons, 765; 4l. 8s. 2d. 2-5ths per tun do
— Sweet, gallons, 114; 6l. 12s. 3d. 3-5ths per do. do
— Train, gallons, 60,277½; if British, free
Painting Stuffs, value 3335l. 12s. 5½d. 10l. 10s. per 100l. value — — — do
Paper, Blue, reams, 159; 1s. 3-5th per ream - do
— Brown, bundles, 224; 3d. 4-5ths nearly per bundle — — — do
— Cap, reams, 562; 9½d. nearest per ream - do
— Card, do. 297; 7d. 1-5th per do. — do
— Painted, reams, 98½; 1s. 9d. per do. - do
— Printing, do. 3778; 3d. 1-6th nearest, per do. do
— Pressing, leaves, 65,996; 1s. 9d. per cwt. leaves do
— Writing, reams, 3441½, 10l. 10s. per 100l. value — — — do
Pasteboards, No. 25,714; 1s. 4d. 4-5ths per thous. do
Pewter, cwt. q. lb. 45 1; 8s. 4d. 4-5ths per cwt. do
Pictures, value 1238l. 10s. 11d.; 10l. 10s. per 100l. value — — — — do
Pitch, barrels, 127; small band, 4s. 0d. 2-5ths per last do
Plates of Tin, barrs. 855¼; single, 6s. 3d. 3-5ths per barr. — — — — do
Pot Ashes, cwt. q. lb. 5874 7 — — free
Printing Letters, cwt. q. lb. 43 3 21; 10s. 6d. per cwt. — — — — do
Quills, thousands, 7; 1½d. excise and cust. on val do
Quilts, No. 41; 4s. 2d. 2-5ths per piece — do
Ribband Silk, lb. oz. 1840 8; 10s. 6d. per lb. - do
Resin, cwt. q. lb. 55 3 7; 5½d. per cwt. - do
Sadlers' Ware, value 390l. 14s. 2d. 10l. 10s. per 100l. value — — — — do
Salt, Foreign, bushels, 1978; 3d. 4-5ths nearest, per bushel — — — do
— Rock, tons, 21,553¾; 1s. 3-5ths per ton - do

Salt, White, bush. 577,953; 3d. 4-5ths per bush. free
Saltpetre, cwt. lb. 1441 1 21; 4s. 2d. 2-5ths per cwt. do
Seeds, Clover, cwt. q. lb. 1595 2 7; 1s. 11½d. near. per cwt. — — — - do
Seeds, Garden, 31,958 lb.; 1d. 3-5ths nearly per lb. do
Silk Manufacture, 17,296 lb. 4 oz.; 7s. 10½d. per lb. do
—- Raw, 31,696 lb. 8 oz.; many different rates do
—- Dyed, thrown, 277 lb. 8 oz.; 5s. 3d. per lb. - do
—- Undyed, do. 37,023 lb. 8 oz. different rates, generally 7s. 9d. per lb. — — do
Skins, Buck, No. 4411; if America undrest, 27l. 1s. 8d. per 100l. at 2s. 6d. rate; if British drest, 10s. 6d. per skin — — do
—— Goat, No. 15; 8 2-5ths per doz. — do
—— Losh, No. 395; if British, 10l. 10s. per 100l. value — — — do
—— Calf, No. 183, at 6s. 8d. each; 8d. 2-5ths per dozen — — — duty
—— Sheep, No. 79 cwt. 20 q.; 5s. 10½d. per hund. do
—— Seal, No. 197; if British, 1d. 3-5ths per skin, nearest — — — do
—— Turkey, No. 30; 10s. 6d. per doz. — do
Slates, 3392 thous. ½; 1s. 3-5ths per thousand - do
Snuff, 91 lb. 6 1-5ths per lb. — — do
Soap, 499 cwt. 2 qrs.; 9s. 5d. 2-5ths per lb. - do
Soap Ashes, 30 cwt.; free — — do
Spirits, Brandy, 1376 galls.; 3s. 8d. 4-5ths per gal. duty
——— Geneva, 3s. 8d. 2-5ths per ditto — do
——— Rum, 944,479 1/10; 2s. 10d. 4-5ths per do. do
Starch, 20 cwt.; 6s. 10 . nearest per hundred - do
Stationary Ware, 559l. 5s. 3½d.; 10l. 10s. per 100l. val. do
Steel, 793 cwt. 3 q. 7 lb.; 3s. 1d. 4-5ths per cwt. do
Stockings, Cotton, 21,436 pair; 10l. 10s. per 100l. val. do
———— Silk, 786 pair; 4s. 2d. 2-5ths per pair do
———— Silk and Cotton, 146 pair; 10l. 10s. per 100l. value — — — do
———— Silk and Worsted, 210 pair; do. do. do
———— Silk and Thread, 30 pair; do. do. do
———— Thread, 60,322 pair; do. do. do
———— Woollen, 2215 pair; 4d. nearest per pair do
———— Worsted, 5923 pair; 8d. nearest per do. do
Sword Blades, No. 392; 1s. 3d. per blade nearest do
Sword Cutlers' Ware, 220l. 7s. 1d.; 10l. 10s. per 100l. value — — — do

Cyder,

Cyder, 246 tuns, 51 gallons and a half; 6s. 9d. 3-5ths per tun — — — — free
Tar, 691 barrels; small band 3s. 2d. nearest per bar. do
Tea, Bohea, 1,228,290 lb.; 4d. per lb. and 1d. per lb. on each lb. above 4s. 6d. price, also 2 and a half per cent. on both duties — duty
—— Green, 564,763 lb.; 6d. per lb. and ditto - do
Tobacco, 1,074,437 lb.; 54l. 12s. 4d 1-3d. per 100l. at 1s. 8d. rate, or 10d. 18-20th or 17-31 per lb wt. do
Tow, 571 cwt. 3 qrs. 14 lb.; 1s. 3-5ths per cwt, do
Toys, 11,772l. 16s. 10d., 10l. 10s. per cent. value do
Twine, 20 cwt. 2 q. 7lb.; 3s. 5d. per cwt. — do
Tyles, No. 38,972; 10s. 4d. nearest, per thousand do
Tin, 353 cwt. 3 qrs.; 4s. 2d. 3-5ths per cwt. do
Velvet, 8 lb. 12 oz.; 1l. 1s. per lb. wt. — do
Vinegar, tierces, hhds. gals. 36 3/4; 6l 1s 9d. per tun do
Upholstry Ware, 5599l. 17s. 11d. val. 16l. 10s. per ct. value — — — — do
Walnuts and others, 10 1/2 barrels; 1s. 6d. nearest, per barrel — — — do
Wax, Bees, 2940 lb. 5s. nearest, per cwt. - - do
—— Candles, 14 lb. at 8s. 10 per ct. 10l 10s. per ct. val. do
Whalebone, 13 cwt. 14 qrs; 3s. 2d. per cwt. - do
Wine, French, tierc. hhds. gals. 11 15 1/4; 31l. 1s. per tun, and 2 1/2 per cwt. of same unld.
—— Port, tierc. hhds. gals. 6 3 52 1/2; 20l. 14s. per tun unld. - - - do
—— Rhenish, tierc. hhds. gals. 21; 25l. 13s. 10d. 18 2-3ds per tun, and 2 1/2 per ct. unld. do
—— Spanish, tierc. hhds. gals. 1. 2 52 1/2; 25l. 14s. per tun unld. — — do
Wood, Balk, No. at different rates, from 1l. 13s. 8d. to 6s. 4d. nearest - - - do
—— Barrel Staves, No. 1230 ct.; 1s. and 5 per cent. of same per thousand - - do
—— Canes, No. 17,008; free (cane reeds) do
—— Casks, empty, No 6,318; 5s. 3d. each do
—— Clapboards, No.; 6s. 1/2d. nearest, per hund. do
—— Clapbolt, No.; do. — — do
—— Deals, No. 24 cwt. 1 qr. 2lb.; 8s. 4d. 4-5th per hundred — — — do
—— Hoops, 2429 1/2 thousands; 1d. and 5 per cent. of same per thous. — — do
—— Masts, No. 4; according to size — — do
—— Oars, No. 1 cwt. 20 qr.; 18s. 4 1/2d. per hund. do

Wood,

Wood, Plank, 1, 833l. 12s. 1d. val.; 10l. 10s. per ct. value — — — free
—— Spars, 2 cwt. 5 qrs.; 2s. 1d. 1-5th per hund. - do
—— Timber, 1184 12 ½ tons feet; 1s. 9d. per ton do
—— Wainscot, No., 3l. 13s. 6d. per hund. - duty
—— Wooden Ware, 1464l. 9s. 7½d. val.; 10l. 10s. per cent. value — — — do
Wool, Beaver, 2402 lb. — — free
—— Cotton, 2800 cwt. 1 qr. 14 lb. — do
—— Estridge, 8 cwt. — — — do
—— Spanish, 86 cwt. 7 qrs. — do
Wire, Brass, cwt. q. lb. 2 14; 10l. 10s. per cwt. val. duty
—— Iron, cwt. q. lb. 10 21; 5s. 3d. per cwt. - do
—— Latten, 1519 cwt. 1 qr.; 10s. 6d. per cwt. and .6d. per lb. wt. . — — — do
—— Steel, 3 cwt. 1 q. 21 lb. 10d. per lb. nearest do
—— Cable, cwt. qr. lb. 26 3; 10½d. per cwt. - do
Yarn, Cotton, 3340 lb.; 2d. per lb. nearest — do
—— Linen, 8600 lb. 1 ¾ d. per lb. nearest — do
—— Mohair, 4472 ½ lb.; 5s. 9d. per lb. — do
—— Worsted, 845 ½ lb.; 10l. 10s. per cwt. value do
Small Parcels, val. 16,235l. 12s. 3½d.; 10l. 10s. per ct. value — — — do

JOHN WETHERALL, Ex. Assist.
Custom-House, ANTH. FERGUSON, Ex. Assist.
Dublin, 11th Feb. 1785.

☞ The reader will please to observe, that after the name of each article in the above account, is placed the quantity or goods of the same; next is the rate of that value, and lastly, is the duty now paid. As for example: Beads of Glass, 6lb. *(imported)* at 1s. per lb. *(rate of value)* 1 ¾d. per lb. nearest do. *(that is, the duty now paid)*.

An Account of the IMPORTS into IRELAND from AMERICA, for One Year, ending the 25th of March, 1784, distinguishing the Quantities and Rates of Values, with the Rates of Duties.

From AMERICA.

Apples, 116¾ bushels, rate, 1d. 1-5th, and 5 per cent. of same per bushel — — duty
Bacon, foreign, 3 cwt. 3 qrs. 7lb. do. 2s. 1d. 1-5th per cwt. — — — do
Bullion, Silver, — — — free
Chocolate, 10lb. do. 10d. 2-5ths per lb. — do
Coffee, 101 cwt. 2 q. do. 5l. 8s. 8d. per cwt. - do

Drapery,

Drapery, New — — — duty
——— Old — — — - do
Drugs, 163l. 4s. do. 15l. per cent. and 5 per cent. of fame on value — — — do
Dying Stuffs, Braziletto, do. — — free
Fustick, 420 cwt. do. — — - do
Indigo, 6183 lb. do. — — — do
Logwood, 120 cwt. do. — — do
Small parcels, 44l. 12s. 6d. do. — — do
Earthen Ware, do. 15l. per cent. and 5 per cent. of fame on value — — — duty
Fish, Cod, 805 hhds 2 qrs. do. 4s 2d. 2 5ths per hund. do
———, 61 barrels do.; 1d. 3-5ths per barrel do
—— Salmon, do.; 16s. 9d. 3-5ths per ton — do
Furs, 8l. 12s. 6d. do.; many different rates — do
Fustians — — — . do
Flax, undrest, 6 cwt. 3 qrs. at 1l. 15s. per cent.; 2s. 1d. 1-5th per cwt. — — — do
Groceries, Almonds, 1 cwt. 14lb. do.; 10s. 4d. 1-5th per cwt. — — — do
——— Cocoa Nuts, 8774lb. do.; 5d. per lb. nearest do
——— Currants, do.; 13s. 9d. 3-5ths per cwt. do
——— Figs, do., 3s. 11d. 7-10ths per cwt. - do
——— Ginger, 7 cwt. 1 q. 7 lb. do.; 59l. 9s. 4-20th and 4-9th per 100lb. on 1lb. rate per cwt. do
——— Pepper, 5 q. do.; 3d. per lb. nearest - do
——— Pimento, 5 10lb. do., 35l. 15s. per 100l. on 6d. rate per lb. — — do
——— Rice, do., 29l. 15s. 6d. per 100l. on 1l. 6s. 8d. rate per cwt. — — do
——— Saffron, do., 5s. 2d. 1-5th per lb. — do
——— Succards, 199½ lb. do.; 6d. 1-3d per lb. nearest — — — do
——— Succus Liquoricia, do.; 2d. 2-5ths per lb. nearest — . — — do
——— Sugar, Muscovado, 27,492 cwt. 2 q. 5lb. do.; 13s. 3d. 13-20ths, and 2-3ds per cwt. do
——— Small Parcels, val. 5l. 13s. 9d. do.; 10l. 10s. per cent. value — — do
Hardware, value do., 10l. 10s. per cent. value - do
Hats, No. 62, at 15s. each, 2s. 5d. 2-5th per piece do
Ironmongers' Ware, Iron, 592 cwt. 1qr. 7lb. do; 10s. 6d. per ton, European — do
——— Small Parcels, val. 5 cwt. 13 q. 9lb. do.; 10l. 10s. per cent. value — — do

Lead,

Lead, pig, do.; 12s. 7d. 1-5th per ton — duty
Lime, Lemon, and Orange Juice, 30 gals. 2s. per gal. 10l. 10s. per cent. value — — do
Linſeed, 21,184 hhds. do. — — free
Meal, flour, 2503 cwt. 1lb. 12s. per cwt.; 1s. 3-5th per cwt. — — — duty
Oakum, 80 cwt. do., 3d. per cwt. and 5 per cent. of ſame — — — — do
Mats, do, 1d. 1-3d. neareſt, per piece — do
Oil, Sweet, do; 7d. per gallon — — do
— Train, 30,985 gals. — — free
Oranges and Lemons, 13 hund. at 2s. 6d. per hund. 12s. per thouſand — — — duty
Painting Stuffs, val. 26l. do.; 10l. 10s. per cent. val. do
Pictures, val. 2l. do., 10l. 10s. per cent. val. - do
Pitch, 47 barrels, 10s. per barrel — — free
Pot Aſhes, 226 cwt. 3 q. at 1l 5s. per cwt. — do
Salt, foreign, do., 3 4-5th and 5 per cent. of ſame per buſhel — — — duty
Seeds, Garden, 90 lb. at 2s. 4d. per lb. 1d. 2-5th per lb. and 5 per cent of ſame — — do
Silk Manufacture, do.; 8s. 9d. per lb. — do
Skins, Buck, No. 1699 do., 29l 15s. 10d. in the hair per 100l. at 2s. 6d. rate — — do
——— Ditto, dreſt, No. 2 cwt. 3 q. 28lb. at 5s each; 5s. per ſkin, dreſt — — do
——— Loſh, No. 10? do.; 47l. 13s. 4d. per 100l. at 5s. per hide; 8s. 6-20th, and 5-6th additional per lb. wt. — — — do
——— Seal, No. 60, do. - - - free
——— Sheep, No. 15, at 2s. 9d. per hund. 29l. 15s. 10d. per 100l. at 3d. per ſkin - - - duty
Snuff, do.; 6d. 1-5th per lb. - - do
Cider, 1 hhd. 21 gals. at 5l. per tun; 6s. 2-5th per tun do
Spirits, Brandy, 571 gallons; at 2s. per gal. 4s. 1d. per gallon - - - do
——— Geneva, 677 1-10th gallon; ditto, ditto do
——— Rum, 153,592 4-10th gals. do. 2s. 10d. 4-5th per gal. - - - do
Tar, 653 barrels, at 12s. per bar. - - free
Tobacco, 3,076,824 lbs.; 54l. 12s. 4d. 1-3d per 100l. at 1s. 8d. rate - - - duty
Toys, 10l. 10s. per cent. value - - do.
Vinegar, 2 hhds. 21 gals. at 7l. 15s. per tun, 6l. 1s. 9d. per tun - - - - do

Upholſtry

Upholstry Ware, 19l.; 10l. 10s. per cent value - duty
Bees Wax, 366lbs.; 4s. 11d. 17-20ths per cwt. do
Wine, French, 31l. 10s. per tun, and 2½ per cent. do. do
——— Port, 4 tuns 31½ gals.; 20l. 14s. per tun - do
Wood, Balk, do. - - - free
——— Barrel Staves, 12,691 cwt. 1 q. No. 20 - do
——— Casks, empty, No. 5, - - do
——— Clap-bolt, - - - do
——— Deals, 14 cwt. 3 q. No. 25, do. - do
——— Masts, No. 4 do. - - - do
——— Oars, 20 cwt. 2 q. No. 15, do. - - do
——— Plank, 374l. 8s. 3d.; do - - do
——— Spars, 2 cwt. 2 q.; do. - - do
——— Timber, 757 tons 40 feet; do. - - do
——— Wooden Ware, 1369l. 9s. 9d.; 10l. 10s. per cent. value - - - - duty
Wool, Cotton, 981 cwt 1 q. 3lb.; do. - - free
Small Parcels, 11l. 1s.; 10l 10s. per cent. value - duty

JOHN WETHERALL, Ex. Assist.
Custom House, ANTH. FERGUSON, Ex. Assist.
Dublin, 11th Feb 1785.

Note. The rate of value, after being stated, is to be taken as repeated, until a new valuation is inserted.

A. F.

An Account of the EXPORT TRADE from IRELAND to GREAT BRITAIN, for One Year, ending the 25th of March, 1784; distinguishing the Quantity, esteemed Rate of Value, and the neat Rate of Duties payable at Exportation for the last Year.

Apparel, 23l. value,—rate; 5 per cent on value duty
Aqua Vitæ, gallons, do. - - - free
Barrels, empty, No. 12, do.; 5 per cent. on value duty
Bacon, Hams, 922 cwt, 1 qr. 21lb. do.; 5 per cent. on value - - - - do
——— Flitches, No. 32,9667 do.; 1½d. per flitch - do
Beef, Barrels, No. 51,867, do.; 1s per barrel - do
——— Carcasses, No. 8, do.; 1s. per carcase - do
Boards, Barrel, 60 cwt. at 10s. per hund.; 4s. per thousand - - - - do
Books, bound, do.; 3d. per cwt. - - do
———, unbound, 28 cwt. 1 q. 14lb. do; do. do
Bottles of Glass, dozen - - - do
Bread, 22 cwt. 1 q. do. - - free

Butter, 147,028 cwt. 1 q. 14lb. do.; 6d. per cwt, duty
Bullocks and Cows, No. 6797, do.; 1s. per head do
Candles, 24 cwt, 2 q. 21lb. do.; 1s. per cwt. - do
Cheese, 71 cwt. 3 q. do.; 6d. per cwt. - - do
Coaches, &c. 40l. value, do.; 5 per cent. on value do
Copper Ore, 20 ½ tons, do.; 3s. per ton - do
Corn, Barley, 4683 quarters, do. - - free
—— Beans - - - - do
—— Malt, 1 qr. 4 bush. do. - - do
—— Oats, 14,742 qrs. do. - - do
—— Pease - - - - do
—— Wheat, 324 qrs. do. - - do
Drapery, New, 1200 yards, do, only returned
—— Old, - - do.
Feathers, 167 cwt. 21lb. do., 2s. per cwt. - duty
Fish, Hake - - - - free
—— Herrings, 166 barrels, do. - - do
—— Ling, No. 1 qr. 10lb. do. - - do
—— Salmon, 5½ tons, do. - - - do
Flannel, 4½d. nearly 1-4th per yard - - duty
Flax Seed, Irish, 2 hhds. do.; 3s. per qr. of 8 bushels do
Glew, 837 cwt. do.; 10d. per cwt. - do
Graves, 4 cwt. do.; 1½d. per cwt. - - do
Glass Ware, 1l. 4s. value, do. - - - do
Haberdashery, Thread, 100 outnal, do.; returned
——— Ware, val. 17l. 7s. 6d. do.; 5 per cent. on value - - - - do
Hair, Cows, 5 cwt., as per cwt. - - do
—— Kid, do.; 7d. 1-5th per cwt. - - do
—— Human, do.; 5 per cent. on value - do
Hair Powder, do., 5 per cent. on value - - do
Hats, do., 6d. per piece - - do
Hogs, No. 1877, do.: 3-5ths per piece - - do
Hogs Lard, 837 cwt. 21 q. do.; 10d. 4-5ths per cwt. do
Horns, ox and cows, 285 cwt. 2 q. 10lb. do.; 2s. 6d. per thousand - - - do
——— Tipt, No. 2; 9d. per thousand - - do
Horses, No. 669, do.; 2s. per head - - do
Hides, Tanned, No. 14, do.; 3d. 3-5ths per hide - do
—— Untanned, No. 42,744, do. do. - - do
Iron, Tons, 10½, do.; 6s. 8d. per ton - - do
Ironmongers Ware, val. 5s. do., 6d. per cwt. - do
Kelp, tons, 1025, do.; 1s. 6d. per ton - do
Lead Ore, do.; 2s. per ton - - - do

Linen,

Linen, Cambrick, 20¾ yards, do. - - free
—— Cloth, 21,128,150 yards, do. - - do
—— Coloured, 952 yards, do.; 5 per cent. on val. duty
Meal, Flour, do. - - - free
—— Oat, 5262 barrels, do. - - - do
—— Wheat, bar. do. - - - do
Ox Bones, 458 thous. do.; 4d. per thousand - duty
—— Guts, 66 barrels, do.; 1s. per barrel - do
Oil, Train, 11 tuns, do.; 10s. per tun - - do
Pork, 15,610 barrels, do.; 1s. 6d. per barrel - do
Rabbits Fur, 6016lb. do.; 2d. 2-5ths per lb. - do
Rape Seed, 408 qrs. do.; 6d. per quarter - do
Salt, 80 bushels
Shoes, 84lb. at 5s. 5d. per lb. do.; 6-20ths, 1-14th per lb. - - - - - do
Silk Manufacture, - - - returned
Skins, Calf, No. 15,624 5, do.; 7d. 1-5th per doz. duty
—— Goat, No. 167 10 10s. per score - - do
—— Kid, No. 12 3 6 do.; 2s. per six score - do
—— Lamb, No. 2015 1 5 do.; 10d. per six score do
—— Rabbit, No. 61 2 10 - Different Rates
—— Sheep, do.; 1s. 6d. per cwt. - duty
Sope, 1153 cwt. do.; 6 per cwt. - - do
Sope Ashes, ½d. Custom, payable at importation charged do
Starch, do.; 8 d. per cwt. - - do
Stationary Ware, 349l. 12s. do.; 5 per cent. on value do
Stone Blue - - -
Tallow, 15,586 cwt. 3 qrs. 21lb. do.; 1s. 6d. per cwt. do
Tongues, 563 doz. do.; 3d. 3-5ths per doz. - do
Wax, do.; 4s. per cwt. - - - do
Wooden Ware, 13s. 2d. do.; 5 per cent. on value do
Wool, 2264 stones, do. - - - free
Yarn, Cotton, 4166lb. do.; 5 per cent. on value duty
—— Linen, 33,013 cwt. 2 qrs. 15lb. do.; 5s. per cwt. do
—— Woollen, 97 stones, do. - - free
—— Worsted, 100,563 stones and 12, do.; - do
Small Parcels, 438l. 3s. 11d. do.; 5 per cent. - duty

Note. The estimated rate of value is to be held as repeated, until a new one is inserted.

A. F.
JOHN WETHERALL, Ex. Assist.
Custom House, ANTH. FERGUSON, Ex. Assist.
Dublin, 11th Feb. 1785.

An Account of the Exports from Ireland to America, for one Year, ending the 25th of March, 1784, distinguishing the Quantities and Rates of Values, with the Rates of Duties in the last Year.

Ale — quantity — rate — —	free
Apparel, 3388l. 16s. ditto — —	do
Aqua Vitæ, 230 gallons, ditto ——	do
Bacon, flitches, No. 118, ditto; 1½d. per flitch	duty
——, hams, 79 qrs. 14lb. ditto; 5 per cent. on value	do
Beer, 2059½ barrels, ditto — —	free
Beef, 43,279 barrels and 5-6th ditto; 1s. per barrel	duty
Books, bound and unbound, 965 qrs. 12 lb. —	free
Bottles, glass, 532 gallons, ditto; 2d. per 100 number	duty
Bread, 5087 cwt. 21 lb. ditto ——	free
Brass and copper manufacture, 9 qrs. 3 lb. ditto	do
Bullion, silver, 150 ounces, at 5s. 10d. per ounce	
Butter, 26,300 cwt. 3 qrs, 14 lb. ditto; 6d. per cwt.	duty
Candles, 8522 cwt. 1 qr. 7 lb. ditto, 1s. per cwt.	do
Cards, playing, 298 dozen packs, and 10 odd ditto	free
——, wool, 104 dozen pairs, at 8d. per dozen pairs, 6d. per dozen pairs — —	duty
Cheese, 806 cwt. ditto; 6d, per cwt. -	do
Copper plates and bricks, ditto —	free
Cordage, 993 qrs. 21 lb. ditto — —	do
Cotton, linen, and silk, mixed manufacture, 8019l. 18s. 2d. ditto — ——	do
Corn, Barley, half a bushel, ditto —	do
——, Beans, ditto - - -	do
——, Malt, ditto - - -	do
——, Oats, 513 qrs, 4 bushels, ditto -	do
——, Pease, 3 qrs. 4 bushels, ditto -	do
——, Wheat, ditto - - -	do
Drapery, new, 259,141½ yards, ditto -	do
———, old, 28,550 yards, ditto; 5s, 8¼d. per piece	duty
———, Shag, 574 yards, at 4s, per yard -	free
Feathers, 1 cwt, 2 qrs. - -	do
Fish, Cod - - - -	do
——, Eels - - - -	do
——, Oysters, 4 gallons, at 2s. per gallon -	do
——, Hake, 6 cwt. 2 qrs. 20 lb, ditto -	do
——, Herrings, 22,713 barrels 5-6th, ditto -	do
——, Ling, 45 cwt. 3 qrs. ditto —	do
——, Mackarel, 358 barrels, at 1l. 5s, per barrel	do
——, Salmon, 63 tons, 4½ tierces, ditto -	do

Flannel,

Flannel, 36,067 yards, ditto - - -	free
Fustians, 47,237 yards, ditto - -	do
Frize, 2738 yards, ditto - -	do
Glass cases, No. 5, at 1l. 10s. each -	do
Glass, drinking, No. 20,737, ditto -	do
Glass ware, value 410l. 16s. 6d. ditto -	do
Glue, 31 cwt. ditto, 10d. per cwt. -	duty
Gloves, 19,164 pair, ditto - -	free
Groceries, Loaf sugar, 436 cwt. 1 qr. 7 lb. ditto	do
Hair, cows, 3 cwt. at 1l. 6s. per cwt. 2s. per cwt.	duty
Hair powder, 7 cwt. 3 qrs. 21 lb. ditto -	free
Haberdashery, Outnal thread, 607 lb. at 5s. 6d. per lb.	do
————, Sisters thread, 767 lb. at 13s. per lb.	do
————, Small parcels, value 2362l. 10s. 6d. ditto	do
Hats, No. 11,867, ditto - -	do
Hogs' lard, 510 cwt. 2 qrs. do., 10d. 4-5ths per cwt.	duty
Horses, No. 74, at 6l. each, 1l. each -	do
Hides, tanned, 112 cwt. 1 qr. 14 lb. ditto; 6s. 1d. 2-3ds per cwt. - - -	do
——, untanned, ditto, 9d. 3-5ths each -	do
Iron, ditto, 2l. 10s. per ton - -	do
Iron, wrought, 473 cwt. 2 qrs. 7 lb., 3l. 3s. 11d. per ton	do
Ironmongers' ware, 126l. 14s. 3d. value, ditto, 3l. 3s. 11d. per ton - - -	do
Linen, Cambric, 4586 yards, ditto -	do
—— Cloth, plain, 3,540,691½ yards, ditto -	do
—— Ditto, coloured, 323,816 yards, ditto -	do
Meal, Flour, 1712 cwt. 2 qrs. 7 lb. ditto -	do
——, Groat - - -	do
——, Oat, 537½ barrels, ditto - -	do
——, Wheat - - -	do
Molasses, 484 cwt. 1 qr. 14 lb. ditto -	do
Millinery ware, 273l. value, ditto -	do
Mutton, barrels, ditto, 1s. per barrel -	duty
Oil, Rape, 21 hhds. at 25l. per tun, ditto -	free
——, Train, 2 hhds. ditto - -	do
Paper, Brown, 50 reams, ditto - -	do
——, Writing, 104 reams, ditto -	do
Plank, three-inch, feet, ditto - -	do
Pork, 29,252½ barrels, ditto, 1s. 6d. per barrel	duty
Rabbits' fur, 140 lb. at 5s. per lb. ditto, 3d. 17-20ths per lb. - - -	do
Ribband, Silk, 23 lb. 4 oz. at 5l. per lb. ditto	free
Salt, 220 bushels, ditto. - -	do
Shoes, 47,011 pounds, ditto - -	do

Silk

Silk manufacture, 3987 lb. 10 oz. at 5l. per lb. free
Sadlers' ware, 894l. 5½d. value, ditto - do
Silk manufacture
——, Thrown, dyed, 125 lb. ditto on debenture
Silk and worsted, mixed, manuf. 2094 lb. 9 oz. ditto free
Skins, Calve, 9 cwt. 2 qrs. 7 lb. ditto; 1l. 1s. 8½d. per cwt. - - - - duty,
——, Kid, No. 1 hund. 2 qrs. at 3l. 2s. 6d. per hund. No. ditto; 1l. 1s. 8d. per six score - do
——, Sheep, No. 5 hund. 1 qr. 15 lb. at 7l. 5s. per hund. No. ditto; 11s. 2½d. per hund. No. do
Sope, 3915 cwt. 2 qrs. 7 lb. ditto; 6d. per cwt. do
Starch, 22 cwt. 1 qr. 14 lb. ditto — free
Stationary ware, 408l. 17s. value, ditto — do
Stockings, Linen, 482 doz. 9 pairs — do
————, Woollen, 842 doz. 7 pairs — do
————, Worsted, 1195 doz. 7 pairs — do
Stone blue, ditto — — — do
Tallow, 914 cwt.; do. 1s. 6d. per cwt. — duty
Thrums; do. 4d. per cwt. — — do
Tongues, 3065½ dozens; 3d. 3-5ths per dozen - do
Upholstery ware, 564l. 9s. value — free
Wax, 1 qr. 7 lb.; do. 1d. 3-5ths per lb. - duty
Wooden ware, 8l. 3s. value; ditto - free
Yarn, Cotton, 800 lb.; do. at 1s. per lb. - do
Small parcels, 3619l. 2s. 11d.; do. mostly free; 5s. per cent. value on a small part - - duty

JOHN WETHERALL, Ex. Assist.
ANTH. FERGUSON, Ex. Assist.

Custom House, Dublin,
11th Feb. 1785.

Note. The rate of value, after being first stated, is to be taken, as repeated, until a new valuation is inserted. A. F.

☞ The reader will please to observe, that after the name of each article in the above account is placed the quantity or gross of the same; next is the rate of that value; and lastly is the duty now paid. As for example — Beef, 43,279 barrels and 5-6th, *(imported)* at ——— per barrel *(rate of value)* 1s. per barrel, *(that is the duty now paid.)*

Mr. Pitt moved, "That the House resolve itself into a "Committee of the whole House for the purpose of taking "into consideration that part of the King's speech that "recommended to their earnest attention the adjustment of

"of such points in the commercial intercourse between "Great Britain and Ireland as were not yet finally arranged." This motion being carried, the various papers on the table relative to Ireland, were referred to the Committee; and the Speaker having left the chair, Mr. Gilbert took his seat at the table.

The eleven resolutions agreed to by the Houses of Lords and Commons of Ireland, in the form of resolutions, were immediately read.

Mr. Chancellor *Pitt* then rose, and opened the system of commercial intercourse between the two kingdoms. He said he flattered himself he should be honoured with the indulgent attention, of which he should fully stand in need, while he endeavoured to state to them the important propositions on which he conceived an advantageous and honourable system of intercourse might be established between Great Britain and Ireland. In a business of such moment he knew that it was equally unnecessary for him to desire the attention of gentlemen, as to intreat that they would enter into the consideration of the subject without prejudice, and with the earnestness which its political magnitude required. There was not a man in the House, of whatever party or description, however attached or connected, who would not agree that the settling the commercial intercourse of the two countries on a firm, liberal, and permanent basis, by which an end might for ever be put to jealousies and clamour—by which all future pretexts to discontent might be removed, and by which the surest foundations of future strength and opulence might be laid, was one of the greatest topics which could be agitated in Parliament, and one of the most desirable objects that they could accomplish. They would meet with one disposition as to the end, however they might differ about the means, and he only prayed that gentlemen would enter into the discussion of the subject without prepossession from what they might have heard, and without giving ear to the insinuations which had been so industriously circulated through the metropolis, and distributed, perhaps, to every corner of the country. These insinuations applied to particular subjects of the discussion, and were founded on misconception of those great and necessary *data* in our relative situation, upon which, without bending our view to partial aspects, we must ultimately decide this great question. If gentlemen had adopted ideas from cases half stated, or from cases misrepresented by those who had made up their minds, without knowing whether the state of the question

Mr. Chancellor Pitt.

made it necessary that the line should be pursued which had been adopted, it would be more difficult for him to clear the way to the true consideration of the question than it otherwise would have been. It was incident to every proposition, that until it should be fully exposed, those who might have the interest or inclination to raise clamour by partial statements of it, had the advantage in the conflict for a time; but when the whole could be fairly elucidated, truth would always, as it ought, have its prevalence over misrepresentation; and the delusion, though extensive, would be but momentary.

With regard to the important question, he conceived it to be simply this: What ought to be the principles on which the relative commercial interests of the two kingdoms should be settled in the system of intercourse to be established between them? In answering this question he had no difficulty in saying, that the system should be founded on principles of expediency and justice; and he was confident in saying, that in the mode in which the King's Ministers had pursued the object, they had paid regard to those principles. It had been a subject of insinuation, that the steps which they had taken were not conducive to the ultimate success of the measure; and that they had embraced notions which were hostile in every conception to the end in view. He would not go minutely into the detail of the propositions which had been read by the Clerk at the table, and which he confessed were the basis of the system which he meant to submit to their wisdom, because he was aware that the Committee were not ripe to decide on them, and would not be competent to the discussion until they had examined all the accounts which were already, or which might hereafter be laid on their table.

It was his wish that those examinations should be full and minute, that time should be given them for the discussion; and that the whole should be fairly and fully investigated before they came to any determination. He did this in the confidence that, upon such mature consideration, they would find the general propositions to be founded on good sense and substantial policy. He was sensible that the smaller parts might require much curious and minute investigation, they would stand in need of correction, and perhaps of change. He trusted that he should have the assistance of all the wisdom and information of the Committee on those points; and he assured them that full time, and the utmost information, should be given for the discussion. In such a business, such a deter-

a determination was eſſential; for it was of the greateſt and moſt deciſive importance to both kingdoms, ſince the end and object was no leſs than to eſtabliſh a ſyſtem that ſhould be permanent and irrevocable.

He ſhould confine himſelf to general principles in the expoſition of the buſineſs this day. The motion with which he ſhould conclude would fully explain the principles it had a reference to the commercial regulations which had been read at the table, and which the Houſes of Lords and Commons of Ireland had declared to be the baſis of what they ſhould conſider as a proper and effectual ſyſtem of intercourſe. His motion did not tend to any direct point, but it led their attention to the general proſpect of the ſcheme, accompanied with a proviſion which he conceived to be eſſential to the whole.

In treating this important queſtion, he would beg leave to recal their attention to what had been, and what was the relative ſituation of the two countries. They would recollect that, from the Revolution to a period within the memory of every man who heard him, indeed until theſe very few years, the ſyſtem had been that of debarring Ireland from the enjoyment and uſe of her own reſources, to make the kingdom completely ſubſervient to the intereſts and opulence of this country, without ſuffering her to ſhare in the bounties of nature, in the induſtry of her citizens, or making them contribute to the general intereſts and ſtrength of the empire. This ſyſtem of cruel and abominable reſtraint had however been exploded. It was at once harſh and unjuſt, and it was as impolitic as it was oppreſſive, for however neceſſary it might be to the partial benefit of diſtricts in Britain, it promoted not the real proſperity and ſtrength of the empire. That which had been the ſyſtem counteracted the kindneſs of Providence, and ſuſpended the induſtry and enterpriſe of man—Ireland was put under ſuch reſtraint, that ſhe was ſhut out from every ſpecies of commerce—ſhe was reſtrained from ſending the produce of her own ſoil to foreign markets, and all correſpondence with the colonies of Britain was prohibited to her, ſo that ſhe could not derive their commodities but through the medium of Britain. This was the ſyſtem which had prevailed, and thus was the ſtate of thraldom in which that country had been kept ever ſince the Revolution. Some relaxation of the ſyſtem, indeed, took place at an early period of the preſent century. Somewhat more of the reſtrictive laws were abated in the reign of George II., but it was not until a time nearer to our own day, and indeed

within the last seven years, that the system had been completely reversed.

It was not to be expected but that when Ireland, by the more enlarged sentiments of the present age, had acquired an independent Legislature, she would instantly export her produce and manufactures to all the markets of the world. She did so, and this was not all. England, without any compact or bargain, generously admitted her to a share in her colonies. She gave her liberty to import directly, and to re-export to all the world, except to Britain, the produce of her colonies. Thus much was done some years ago, but to this moment no change had taken place in the intercourse between Great Britain and Ireland themselves. Some trivial points, indeed, had been changed; but no considerable change had taken place in our manufactures exported to Ireland, or in their imported to England. That, therefore, which had been done, was still viewed by the people of Ireland as insufficient, and clamours were excited, and suggestions published in Dublin and elsewhere, of putting duties on our produce and manufactures, under the name of protecting duties.

Having thus far relaxed from the system which had been maintained since the Revolution—having abandoned the commercial subserviency in which we had so long persevered, and having so wisely and justly put them into a state in which they might cultivate and profit from the gifts of nature—having secured to them the advantages of their arts and industry—it was to be observed that we had abolished one system, and had established another, but we had left the intercourse between the two countries exactly where it was. There were, he said, but two possible systems for countries situated in relation to one another like Britain and Ireland. The one, of having the smaller completely subservient, and subordinate to the greater—to make the one, as it were, an instrument of advantage, and to make all her efforts operate in favour, and conduce merely to the interest of the other. This system we had tried in respect to Ireland. The other was, a participation and community of benefits, and a system of equality and fairness, which, without tending to aggrandize the one or depress the other, should seek the aggregate interests of the empire. Such a situation of commercial equality, in which there was to be a community of benefits, demanded also a community of burdens; and it was this situation in which he was anxious to place the two countries. It was on that general basis that he was solicitous of

moving

moving the propofition which he held in his hand, to complete a fyftem which had been left unfinifhed and defective.

Under thefe circumftances, to difcover the beft means of uniting the two countries by the firmeft and moft indiffoluble bands, Minifters had, during the recefs, employed themfelves in inquiries by which they might be able to meet Parliament with a rational and well-founded fyftem. That they might form the outline of fuch propofitions, from the mutual ideas of both countries, and that they might join in the principles on which the bafis of the intercourfe was to be laid, they thought it their duty not to come into the Parliament of Britain until they knew what additions to the relaxations which were lately made, would be likely to give entire fatisfaction to the people of Ireland; what commercial regulations they would think effential to commercial equality; and what proportion of the expence of fupporting the common interefts Ireland would be content to bear, on being thus made a common fharer in the benefits. They were now prepared to meet Parliament with the fyftem, founded on the intelligence of the fenfe of the Irifh Legiflature on the fubject, and, he believed, of the Irifh people.

It was his wifh to examine the fyftem in two ftriking points of view, into which it naturally divided itfelf:

1. To examine what would be the effects of the commercial arrangements fuggefted in the propofitions on the table, on our particular commerce and manufactures; and,

2. To examine the effects of an extenfion of the trade of Britain, in the return which Ireland would make towards the common expence.

He would beg the indulgence of the Houfe while he went particularly into the confideration of thefe branches of the fubject. The firft branch, viz. the commercial arrangements again fhould be divided into two parts. 1. In fo far as they regarded our navigation laws, and the monopoly of our commerce with our colonies; and, 2. In fo far as they regarded the intercourfe between the two countries by the equalifing of duties.

The firft branch of this fubject, namely, the liberty of importing the produce of all countries importable into England, directly, from henceforth, through the medium of Ireland, was likely to attract moft of the attention of the Houfe. The alarms of the People would alfo be excited to this meafure, and excited under names which, from long habit, we were accuftomed to reverence. It would be faid, that this meafure would be deftructive of our navigation

 laws,

laws, the ſource of our maritime ſtrength and commercial opulence. Thoſe who argued in this way merited, however, but little credit; for they did not ſeem to have taken much pains to make themſelves acquainted by experience with thoſe navigation laws. How far this new meaſure would depart from the ſpirit of thoſe laws, would be ſeen from this ſhort ſtatement of the fact. Goods, the produce of Europe, might now be imported into Britain through Ireland, by the expreſs authority of the navigation act. The new propoſition applied only to Africa and America, for Aſia was excluded, as the Eaſt-India Company had the monopoly of the trade to that quarter of the world. It was therefore to be aſked, whether it would be wiſe in this country to give to Ireland the liberty of importing, and afterwards of exporting to Britain, the produce of our colonies in Africa and America?

If we deſired to give ſatisfaction to Ireland, and to put an end to all contention, by a ſyſtem founded in equality and reciprocity, he conceived that this was a wholeſome and proper meaſure. Every man would agree that it was deſirable to give them a complete participation, if it could be done without encroaching on our navigation laws and commercial ſyſtem, which were ſo deſervedly dear to us. It ſhould be remembered that we already had given to Ireland our intercourſe with our Weſt-India iſlands. In the late alteration of the ſyſtem we had opened the way of Ireland to all foreign markets; and in doing that we had conferred no favour, and made no conceſſion. It was the natural right of Ireland, and the meaſure was a meaſure of juſtice, but not of grace. We, however, had gone farther than that: we had given them direct intercourſe with our own colonies — with thoſe colonies which we had acquired by our own treaſure, and which we maintained by our own authority. This was liberal — it was a favour — it was certainly adviſable to give this proof of our friendſhip; but it was given without reciprocity, without ſecuring from Ireland any return, or receiving any proportionate aid towards the maintenance of trade or the protection of thoſe colonies.

The queſtion now was, therefore, whether, with ſo much given, and ſo little received, it would be wiſe to deſtroy that much by a niggard detention of the little that was left; or whether, by adding to the much already given, the little, we might not ſecure a valuable return.

He knew there might be perſons, who, with ſeparate intereſts, or perhaps with perſonal intereſts, might ſtart objections,

jections, and find pretexts for clamour against every national object that could be embraced; and while ear was given to such clamour, we must remain in the same unprofitable system as heretofore. But if they wished to pay respect to the advantages of quiet and security; if they desired to have a return proportional and adequate, it was his opinion that the little which was left ought to be given, for a return, in addition to the much which was given without any return at all, and happy would it be for Britain, if, by a profitable use of what little was left, she could yet secure the advantages which might have been so much more certainly procured in the former season.

But it was requisite to proceed to inquire what would be the effects produced by giving this extension to Ireland? The Committee would be the place for detail. He would confine himself, therefore, to the general view of the subject. They had heard in popular discussions, and in those publications which were propagated so freely through the metropolis, that this measure would strike a deadly blow to the navigation laws of this kingdom. It would be said that by this blow that act, which was the palladium of our commerce, would be ruined. These were clamours to which he could not subscribe. He desired to know what was likely to be the extent of this boon? Would it be more than that Ireland would be able to send to Britain what she might have imported from the Colonies more than was necessary to her own consumption? Was it likely that she was to become the emporium, the mart of the empire, as it was said she would? He could not believe that it ever would be the case. By emporium he supposed was meant, that Ireland would import the produce of Africa and America, afterwards to distribute it to all the world, and to Britain among the rest. If this liberty would strike a fatal blow to the commerce of England, he begged that it might be remembered with whom the blow had originated. By the inconsiderate and unsystematic concessions which had been made four years ago, the blow was struck. They would not have been inconsiderate, if accompanied with provisions of a return—not if the system had been finally settled, but those concessions were inconsiderate, because we had been inclined to hide our situation, both from ourselves and others, without examining the extent of what we were giving away, and without securing the general interests of the empire: so that, if there was any danger of Ireland's becoming the emporium, and of her supplanting us either in our own or in foreign markets, it was by the advantages

vantages given by the noble Lord whom he had then in his eye, and he truſted the nation would know and feel from whence the calamity really ſprung.

No ſuch conſequence, however, was likely to enſue. Ireland did not covet the ſupply of the foreign markets, nor was it probable that ſhe would furniſh Britain with the produce of her own colonies in any great degree. Ireland was to have the liberty of bringing to Britain, circuitouſly, what ſhe herſelf had the liberty of bringing directly. It muſt be proved that Ireland could afford this circuitous ſupply cheaper than Britain herſelf could give the direct ſupply before any idea of alarm or apprehenſion could be raiſed in any boſom. That fact would be inquired into. It would be inquired whether there was any thing in the local ſituation of the ports of Ireland which would enable her to make this circuitous voyage cheaper than we could make the direct one, that the neareſt way to England was through the ports of Ireland. He had no reaſon to believe that the freight was cheaper from Ireland to the Weſt Indies, than from England. Then there was to be ſuper-added to this equal freight, the freight between Ireland and Britain, which would operate as a very great diſcouragement; for he had reaſon to believe, that this ſuper-added freight would be, on the average, a fourth of the original freight. He wiſhed to avoid figures and unauthoriſed aſſertions; but all this would be ſubject of inquiry; and to this he muſt add the double inſurance, double commiſſion, double port duties, and double fees, &c. all of which would operate moſt ſeverely againſt Ireland.

There was one other obſervation on this part of the ſubject. It was not merely a queſtion, whether Ireland ſhould be able, by local advantages and reſources, to become the carriers, but we were to compare the conteſt between ourſelves and them. Ireland could now ſend a cargo to the Weſt Indies, and bring a cargo directly to Britain—or ſhe could invoice a part of her cargo to Britain, and part to Ireland. The queſtion was, therefore, whether her original cargo was to be afforded cheaper, whether her ſhipping and navigating were cheaper, and whether, with all theſe advantages, it could be poſſible that this circuitous trade could be cheaper than the direct trade?

All this would be ſearched to the bottom; and in this view of the ſubject, the diſcuſſion would be fair, but nothing would be more unfair than to contend, that this new commerce would be contrary to the act of navigation. It ought to be a queſtion, how much of the wealth of this nation might

might center in Ireland by this meaſure; but in looking into the ſpirit and meaning of the navigation act, nothing could be more abſurd than to ſay that it was contrary to that act. The principle of that act was the increaſe of the Britiſh ſhipping and ſeamen. Here then this principle was out of the queſtion; for in ſeveral acts, and in one paſſed ſo lately as 1778, Iriſh ſhipping and ſeamen were to be conſidered as Britiſh. There was not then that degree of danger in adding this to the other conceſſions which had been made to Ireland.

The other great and leading principle in this branch of the meaſure was the equaliſing of the duties on the produce and manufactures of both countries; and this he would explain very ſhortly. On moſt of the manufactures of Ireland, prohibitory duties were laid in Britain: linen, however, was a liberal exception. On the contrary, our manufactures had been imported into Ireland at low duties. It was now the queſtion, whether under the accumulation of our heavy taxes, it would be wiſe to equaliſe the duties, by which a country, free from thoſe duties, might be able to meet us, and to overthrow us in their and in our own markets. Upon this he would ſtate ſome general obſervations as ſhortly as poſſible. A country not capable of ſupplying herſelf, could hardly meet another in a foreign market. They had not admitted our commodities totally free from duties—they bore, upon an average, about ten per cent.—but it was very natural that Ireland, with an independent Legiſlature, ſhould now look for perfect equality. If it be true, that with every diſadvantage on our part, our manufactures were ſo ſuperior that we enjoyed the market, there could be no danger in admitting the Iriſh articles to our markets on equal duties. What ſtrong objections could be ſtarted? Every inquiry had been made, and the manufacturers with whom he had converſed had not been alarmed at the proſpect. On our ſide, on account of our heavy internal duties on ſome articles, port duties muſt be added on the equaliſing principle; and he truſted that all little obſtacles would be overruled.

It was ſaid, that our manufactures were all loaded with heavy taxes—it was certainly true; but with that diſadvantage they had always been able to triumph over the Iriſh in their own markets, paying the additional ten per cent. on the importation to Ireland and all the charges. But the low price of labour was mentioned. Would that conſideration enable them to underſell us? Manufacturers thought otherwiſe, there were great obſtacles to the planting any manu-

facture.

facture. It would require time for arts and capital, and the capital could not increase without the demand also; and in an established manufacture improvement was so rapid as to bid defiance to rivalship. In some of our manufactures, too, there were natural and insurmountable objections to their competition. In the woollens, for instance, by confining the raw material to this country, the manufacture was confined also.

There might be some branches in which Ireland might rival, and perhaps beat England; but this ought not to give us pain—we must calculate from general, and not partial views, and above all things, not look on Ireland with a jealous eye. It required not philosophy to reconcile us to a competition which would give us a rich customer instead of a poor one. Her prosperity would be a fresh spring to our trade.

One observation more on this branch, and that was, that the price of labour, proportionably lower now, was an advantage which would be constantly diminishing. As their manufactures and commerce increased, this advantage would be incessantly growing less. For these reasons he did not think that England had any thing to fear in the proposed scheme of equalizing the duties on the admission of their mutual produce.

Having said so much about what was to be given by England, he should pass next to the other part of his proposition, without which the former would be an improvident surrender, of advantages belonging at this moment to Great Britain; he meant the return that was to be made for them by Ireland. He could not, at the outset of this business, expect that any specific sum should be proposed by the Irish Parliament, towards defraying the expence of protecting the commerce of the empire; because it was impossible for them to ascertain at present, or for some time to come, the amount of the advantages that the Irish would derive from this system; on the other hand, it would have been improper not to stipulate for something. He had, therefore, thought it best for this country, that she should have some solid and substantial provision for what should be stipulated in her favour, and that should keep pace with benefits that the system would produce to the Irish; for this purpose it had been agreed, that the provision should consist of the surplus of the hereditary revenue, whenever there should be a surplus; and this fund, the Committee would perceive, from what he was going to state, was precisely that from which it could be best collected,

collected, to what degree the Irish should have been benefited by the commercial regulation.

The hereditary revenue in Ireland was that which was inseparably annexed to the crown, and left to the King to be disposed of at his discretion, for the benefit of the public. It was pretty much like the hereditary revenue that was formerly annexed to the Crown in this country, and which was given up by his present Majesty for a certain annuity: above four fifths of the Irish hereditary revenue was raised in such a way, that the whole must necessarily increase, with an increase of commerce; it was raised from three several objects; from Customs, the produce of which must necessarily be greater, when the customed goods imported into Ireland should be more in value than they had hitherto been. From 10 per cent. on other kinds of goods entered, which must of course bear always a proportion to the extent of the trade; from Hearths, an increase of population would produce an increase of houses, and an increase of houses would necessarily produce an increase of hearths, and consequently of this branch of the revenue. From an Inland Excise, which, depending always upon consumption, must always arise with population and property, and consequently should the trade and population of Ireland exceed in future, what they were at present, the hereditary revenue would be benefited by both. This revenue had not, indeed, for many years back been equal to the ends for which it had been granted to the Crown; and the deficiencies had been made up by new taxes imposed by the Irish Parliament: it did not at present make above half of the whole, by the papers on the table it appeared that it produced at present 652,000 l. a year. For some time back there had been an arrear incurred, the expences of the state being greater than its income, but he understood that steps were to be taken to bring both to a level; and then a reasonable hope might be entertained that if the trade of Ireland should grow more flourishing, there would be a considerable surplus on this revenue, applicable to the protection of the common trade of the empire, and he indulged this hope the rather, for that several years back, when government took care that the expenditure should not be greater than the income, the hereditary revenue produced 690,000l. a year, though the commerce of the country was at the time shackled with innumerable restraints: what then might be expected from it, when that trade on which it depended should be enlarged?—Then it would be found that our strength would grow with the strength of Ireland; and in-

stead of feeling uneasiness or jealousy at the increase of her commerce, we should have reason to rejoice at such a circumstance, because this country would then derive an aid for the protection of trade, proportioned to the increase of commerce in Ireland. He did not mean that we should very soon experience any very great assistance from this revenue, because it would take some time before new channels of trade could be opened to Ireland: but from the nature of this fund it would appear, that if little should be given to England, it would be because little had been gained by Ireland; so that, whether much or little should be got from it, England would have no cause to be dissatisfied, if much should be got, she would be a gainer, if little, it would be a proof, that little of the commerce of England had found its way into Ireland, and consequently there could not be much room for jealousy. The Parliament of Ireland had readily consented to the appropriation of the surplus out of the hereditary revenue, to the defence of trade; but though he did not in the least doubt the intention of that Parliament liberally to fulfil what had been so readily resolved, yet in a matter of so much moment to Great Britain, he felt that he ought not to leave any thing to the generosity or liberality even of the most generous and liberal. As it was his object to make a final settlement in this negociation, and to proceed upon a fixed principle, he wished that, as he meant to insure to Ireland the permanent and irrevocable enjoyment of commercial advantages, so he expected in return, that Ireland would secure to England an aid as permanent and irrevocable. The resolution of the Irish Parliament on that point was not worded in as clear a manner as he could wish. It stated, "That for the better protection of "trade, whatever sum the gross hereditary revenue of the "kingdom (after deducting all drawbacks, re-payments, or "bounties in the nature of drawbacks) shall produce annu"ally over and above the sum of ———, should be appro"priated towards the support of the naval force of the em"pire, in such a manner as the Parliament of this kingdom "shall direct." Now this did not plainly hold out the prospect of this surplus being irrevocably applied to this purpose; and as this was with him a *conditio sine qua non*, he would not call upon the Committee to pledge itself to any thing on the subject, till the Parliament of Ireland should have reconsidered the matter, and explained it more fully.

Such, then, was the outline of the plan that he intended to propose: the minute parts of it would, no doubt, be open to full and fair investigation, and gentlemen wound consequently

quently be at liberty to call for any information that could poſſibly be procured. He flattered himſelf, that after what he had ſtated on different points, fears and jealouſies would be laid. Gentlemen would ſee that except the mere intercourſe with reſpect to certain articles, between the two kingdoms, all the reſt of the globe, not included in the Eaſt-India Company's charter, was already open to Ireland; nay, that ſhe could by law at this moment ſupply England circuitouſly through her own ports, with every ſort of Weſt-India commodities; and therefore, that whatever ground there might have been a few years ago for alarm, there was little or none now, when ſo little remained to be done. He did not apprehend that any manufacture in this country would immediately feel any bad conſequence from the commercial extention to Ireland, or that any number of Engliſh manufacturers would be thrown upon the world for want of employment; or that they could be ſo ſoon rivalled and ſurpaſſed in any branch, as not to have time firſt to turn their thoughts to ſome other line of buſineſs; but ſhould even an inconvenience of this kind happen in ſome ſmall degree, it would be over-balanced by the good conſequences that muſt attend the propoſition he had to make: for in the firſt place, it would form a final adjuſtment of commercial intereſts between the two countries, it would allay diſcontents in Ireland, and reſtore peace and harmony to the remaining branches of the empire: and ſecondly, if it took any thing from England in one way, it would highly benefit her in another, by providing a relief to her in the heavy expences of protecting trade. He concluded, by moving the following reſolution: "That it "is the opinion of this Committee, that it is highly important to the general intereſt of the empire, that the commercial intercourſe between Great Britain and Ireland ſhall be "finally adjuſted; and that Ireland ſhould be admitted to a "permanent and irrevocable participation of the commercial "advantages of this country, when the Parliament of Ireland "ſhall permanently and irrevocably ſecure an aid out of the "ſurplus of the hereditary revenue of that kingdom towards "defraying the expence of protecting the general commerce "of the Empire in time of peace." He ſaid, that conſiſtently with what he had ſaid of the neceſſity of a farther explanation on the part of the Parliament of Ireland, reſpecting the permanency of the aid to be given for the protection of trade in general, he could not call upon the Committee to give an immediate opinion upon this propoſition; he would not, therefore, preſs for a vote now; but on the contrary, would move

that the farther consideration of the resolution should be adjourned to a future day, and he accordingly made this motion. He was two hours and a quarter on his legs.

Mr. Burke. Mr. *Burke* rose immediately, and begged that gentlemen would not be under any apprehension that he would tire their patience with a long speech, for he would say very little; an uninformed man, as he was, could throw but little light on the subject, and perhaps, during the whole progress of the business, he would not trouble them with a single speech. His only reason for rising now, was to ask a question, or rather to beg that the chairman would read the resolution, that he might be sure whether the words "in time of peace" were in it.

Mr. Gilbert. Mr. *Gilbert* accordingly read the resolution, and said the words "in time of peace" were certainly in it

Mr. Marsham. Mr. *Marsham* expressed his satisfaction that the Committee was not called upon to give an opinion this night on the resolution: it contained matter of the greatest moment to this country, and well worthy the most serious consideration of its Legislature. He thought the right honourable gentleman in the right to wait for a farther explanation from Ireland: the British Parliament had been in the practice these seven years past of making concessions to Ireland, and he did not think it would be liberal in the Irish Parliament to take all and give nothing. He hoped the right honourable gentleman would not bring on the business in any great hurry, that the members might have time to consult their constituents, and procure such information as might satisfy them that in giving up a share in the commercial advantages of the country to Ireland, they were not doing an essential injury to Great Britain, by ruining its manufactures.

Lord North. Lord *North* said, he rose not to give any opinion upon the resolution; it was impossible that he could do it, because no gentleman could make up his mind to it till he had received a great deal more information, and had fully considered it in every point of view. He rose to lay in his claim to deliver himself upon it hereafter, and to prevent his silence from being interpreted into a consent to any part of the resolution, or of any one idea upon which the right honourable gentleman who opened the business in a very able speech had endeavoured to justify the resolutions of the Irish Parliament. His Lordship said, he was not prepared to admit, that any system of intercourse was necessary to be at present arranged between Great Britain and Ireland, much less was he prepared to say, that if such an arrangement was necessary, that system, the outlines

outlines of which the right honourable gentleman had ſtated, was the ſort of ſyſtem that either policy, expediency, or common ſenſe, pointed out as fit to be adopted. With regard to the right honourable gentleman's attack on the Houſe of Commons that adopted the reſolutions that he had propoſed in 1779, and in regard to the attack on him in particular, whom the right honourable gentleman had thought proper to charge with having come forward with the propoſition of conceſſions to Ireland, on the part of Great Britain, that were raſh and inconſiderate, inaſmuch as they were given without regard to any return, thoſe who knew the tranſactions of that Houſe at the time, well knew that the right honourable gentleman had not correctly ſtated the facts. The reſolutions that he had propoſed, were, at the time, ſubmitted to the Houſe as a boon, which the peculiar circumſtances of the times rendered it expedient for this country to grant to Ireland; but it was not a boon raſhly given, or given without return. The commercial intereſts of this country were ſaved whole and entire; the Britiſh merchant, the Britiſh manufacturer, and the Britiſh trader, were preſerved from injury; they were not made a ſacrifice to Ireland; but Ireland was indulged in a right of importation on equal terms, and for that right ſhe was confined to import the rums and ſugar of the Britiſh Weſt-India iſlands. That was the price ſhe paid for the boon, and to that bargain the Britiſh Houſe of Commons were willing parties. Having ſtated this, his Lordſhip proceeded to animadvert on the tenth and eleventh propoſitions, which were, indeed, he ſaid, extremely defective and inadequate, if they were to be conſidered as a ſtipulation and ſecurity for the price that Ireland was to pay for the extraordinary and unexampled favour of having all the trade, all the manufactures, and all the commerce of Great Britain thrown at her feet.

In the eleventh propoſition, as it then ſtood, Great Britain was to receive nothing but what could be ſaved out of the reduction of the offices of Government. This was a theoretical and ſpeculative mode of giving a return for a ſubſtantial and valuable conceſſion. But the right honourable gentleman's method of making out that the Iriſh were to ſupport the naval force of the empire, was ſtill more extraordinary; according to his ſtatement, the hereditary revenues of the Crown of Ireland had long been inadequate to the annual expenditure of that kingdom; and, in all probability, ſo they would remain for a conſiderable time, if that part of the right honourable gentleman's argument was founded, in which

which he had taken pains to convince the Committee, that it would be highly impracticable for Ireland ever to become a powerful rival in commerce, navigation, and manufacture, to Great Britain; at least, that it was utterly impossible that she should much increase in either for a very considerable length of time. The increase of the hereditary revenues must, his Lordship said, he conceived, as they arose from the customs, the excise, and hearth money, depend altogether on an increase of trade, of navigation, and of population, neither of which, it might be inferred from what the right honourable gentleman had said, was likely soon to take place. Having urged this, his Lordship took notice of what Mr Pitt had said in justification of his having caused the propositions to have been stated to the Irish Parliament before they were opened to the Committee of that House. With regard to that matter, he declared, whenever a bargain was to be struck, and large concessions were to be made on one side, and very slender ones on the other, he should have imagined that the nature of the bargain ought to have been first told to that party who had the most to concede in the proposed bargain. Great Britain, if she came into it, would have a great and important concession to make — Ireland scarcely any, the terms that the Ministers had it in their contemplation to propose, ought, therefore, in his opinion, to have been first stated to the British House of Commons. His Lordship concluded with declaring, that he should reserve his sentiments till, from farther information, he should be the better enabled to determine what opinion was the most proper for him to adopt.

Mr Dempster. Mr. *Dempster* said, that whatever particular objections the propositions now made might seem liable to, there was at present every reason to approve them in the general. Our sister kingdom had for some time past been overspread with jealousies and discontents, and divided into parties, delegates controlling Parliament, and Parliament controlling delegates. If the particular circumstances of the times had induced this country to grant somewhat more than might appear necessary in the eyes of some, he was not satisfied even with that, when he contemplated the sad effects with which a contrary system was attended in our conduct to America. Objections of nearly a similar nature had been made of the cheapness of the labour in Scotland at the time of the Union, and yet since that time Scotland had not grown richer, nor England poorer. The utmost jealousy seemed to prevail on this side of the water, for many years, in every article of Irish commerce,

merce. This was sufficiently manifested some time since, when beef and butter were allowed to be imported from Ireland duty free, the precaution was then taken, of only suffering this to continue from year to year, however, by a late act, this privilege was made perpetual, and no bad consequence was experienced from it, but, he believed, many good ones. If Irish manufactures were suffered to be imported into this kingdom, the English manufactures had the same advantage of being imported there, and should that consideration still prevail, that Ireland would have the advantage over us in the cheapness of labour, and its exemption from heavy taxes and an enormous national debt, let our conduct be to pursue a vigorous and effective measure for redeeming the country from the embarrassments which a long and expensive war brought upon it, and endeavour to put ourselves on the nearest footing of equality. He was determined to give his most chearful assent to a system which promised to reconcile the affections of our sister kingdom, and unite her in the same pursuits of interest and affection.

Lord *Penrhyn* said, that before this measure should be decided on in the House, it would, in his opinion, be extremely proper to give the manufacturers of this country time to consider how far they might be affected by those proceedings, and represent, if necessary, their situation to the House, and not only the manufacturers — another body of men were highly interested, — the West India planters and merchants considered the propositions as likely to affect the navigation act, and to endanger the commerce of the colonies. Lord Penrhyn.

Mr. *Fox* said, he would not take up a great deal of the time of the Committee, as he meant not in that stage of the business to go into a discussion of the propositions, a matter that would unavoidably lead him into great length nor would he debate the general resolution before the Committee, which he was glad they were not called upon that day to decide by vote, since it extended to the whole of the resolutions that had been read, and comprehended the extreme of the extraordinary system, the outlines of which had been explained to the Committee. He rose, he said, in consequence of some allusions which the right honourable gentleman had made, he supposed, to what he had said in a former debate on the subject of the propositions having been stated to the Parliament of Ireland, before they were opened to that House. No man, Mr Fox declared, thought more highly of the right honourable gentleman's abilities than he did; but nothing he had said that day had in the least altered his opinion Mr Fox.

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of the matter he had just alluded to. He thought it not only highly indecent and highly disrespectful that the propositions had not been first opened to that House, but a circumstance that might produce consequences of the most seriously mischievous nature As the business had been managed, there might be, indeed it was true, there would be, some mischief arise if that House did not agree to the propositions; and yet, mischievous as he was free to acknowledge it would be, he, for one, was afraid that he should not be able to give them his consent. Convert the order of the proceeding, and then let the right honourable gentleman see how the matter would have stood. Had the proceeding originated in that House, and had they agreed on any propositions as the basis of a system of intercourse with Ireland, and the Parliament of Ireland had afterwards refused its concurrence in those propositions, they would have been then but where they were when they set out, and no great harm would have been done. The case was far otherwise at present. Mr. Fox, after this remark, said, it had struck him as a singular instance of ingenuity, that, in opening the outlines of the system of intercourse with Ireland in the contemplation of His Majesty's Ministers, the right honourable gentleman had contrived to do away a good deal of what had been said upon the subject in another speech, delivered in another assembly; indeed the right honourable gentleman's speech, by far the greater part of it, had been little else than an answer to the speech of Mr. Ord in the Irish House of Commons, but, after having read the one, and heard the other, he must do Mr Ord the justice to say, that he thought he had defended the propositions, and argued upon them infinitely better than the right honourable gentleman. It was not, however, a little curious to observe, in how different a manner the Minister in Ireland and the Minister in England had recommended the same propositions to two different Parliaments. In Ireland they had been stated as highly advantageous to that country, as putting it upon the same footing with Great Britain, and rendering it an emporium of trade, and the source and supply of the British markets. In England, and in that House, they had been told the system was advisable, and the propositions were such as this country might gladly accede to. Why? "Because it gives Ireland nothing but what it had before, "because Ireland can't rival you, because Ireland is poor "and feeble, and because Ireland must remain so, if not for "ever, at least for a considerable length of time." Having urged this, Mr. Fox said, he was not certainly prepared, nor

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was that a fit moment for him to enter at large into his objections to the several propositions, but he entertained many, and those of a nature not very easy to be removed. Some, in fairness and in candour, he would hint at. Among others, the fifth proposition struck him as liable to great objection, and as likely, in its operation, to contradict and destroy the very principle that had been stated to be that on which all the propositions were founded. Mr. Fox entered into a discussion of the nature of what was termed the countervailing duties, and put the case of a piece of broad cloth about to be imported from the country in which it was made. This he argued to its conclusion, and urged that its result would be a direct contravention of the principle of all the resolutions, and a conversion of an established maxim of commercial policy. Mr. Fox also asked how, if the propositions were adopted, they were to guard against the produce of the colonies of foreign states being first smuggled into Ireland, there put on board Irish or British bottoms, and so brought into the ports of this kingdom? He said large quantities of rums, sugars, and much other produce of foreign powers might thus be smuggled into Great Britain. The whole tendency of the propositions appeared to him to go the length of appointing Ireland the sole guardian of the laws of navigation, and grand arbitress of all the commercial interests of the empire; a trust which he felt no sort of inclination to part with out of our own hands; not even to delegate to Ireland, of whose generosity, loyalty, and gratitude no man entertained a higher opinion. Having given, what he called, hints of several of his objections, Mr. Fox proceeded to the defence of Lord North and himself from the attacks of Mr. Pitt on the score of the concessions they had severally made to Ireland formerly. He said, when the right honourable gentleman opened his speech, he had given him very great pleasure; but he soon took care effectually to remove that satisfaction. When he had heard the right honourable gentleman solemnly express a hope that there was a disposition in all parts of the House to unite in a business of so much serious importance, he had taken it for granted he should not have heard any thing like personal attack and personal provocation from him that day; but the right honourable gentleman had soon undeceived him, by talking of calumniatory publications industriously circulated, and by making a most uncalled-for attack upon his noble friend. At the same time that his noble friend had made the propositions to the Committee in 1779, undoubtedly he had himself thought great

blame was due for the having ſuffered the affairs of Ireland to remain unadjuſted thus long, and a ſhare of that blame he had then ſaid, and always would ſay, was imputable to the noble Lord; but by no means was the noble Lord alone to blame. There were thoſe now ſitting near the right honourable gentleman who, at that time, lived in confidence with the noble Lord, and ſupported his meaſures, to them he appealed for their opinions of his noble friend's conduct, and whether they had not approved of the conceſſions he had propoſed to that Houſe as proper to be made to Ireland? The Houſe in general had approved of them, and he had himſelf among others. With regard to the reſolution he had brought into the Houſe, to which the right honourable gentleman had adverted, that reſolution, if he did not quite forget the circumſtance, did not originate with His Majeſty's Miniſter, but was the conſequence of an addreſs from one or other of the Houſes of Lords, either here or in Ireland. There were thoſe now in office who were at that time in office with him, and he perfectly recollected that the reſolution was ſhewn to the whole Adminiſtration, who, at the time, approved of it. Thoſe to whom he alluded were Lord Camden, Lord Sidney, and the Duke of Richmond; but ſure he was, at that time, not one of them had it in contemplation to proceed to any ſuch extravagant length of conceſſion to Ireland as the ſyſtem opened to the Houſe that day would go. Mr. Fox ſaid further, in defence of Lord North's conceſſions, that the firſt ſecular officer of the Crown at that time had alſo been in the ſame ſituation when his noble friend came forward with the reſolutions of 1779, and they had his approbation and conſent. Before he concluded, he referred to what Mr. Dempſter had ſaid, declaring, that he hoped the Houſe would not be ſo diſgraced as to have the doctrine of his honourable friend avowed by any Miniſter, viz. that the diſſentions in Ireland rendered ſuch an extent of conceſſion, on the part of Great Britain, neceſſary. He regarded the late proceedings there with a view to prevent the holding of the meetings of the delegates as highly unconſtitutional. He ſaid he ſhould conſider it as no anſwer to hear it ſaid, "The laws of Ireland are not the ſame with thoſe of this country." The ſtatute law might differ in particular caſes, but the common law was the ſame in both countries, ſpringing from the ſame ſource, governed by the ſame precedents and the ſame uſages, bearing the ſame analogy, and adminiſtered in courts preciſely ſimilar in their conſtitution to the courts of Weſtminſter Hall! What the common law of England, therefore, would

would not countenance and warrant, the common law of Ireland, he was persuaded, would neither countenance nor warrant but be that as it might, he hoped that House was not to be told, that, from motives of apprehension and timidity, on account of the feuds and dissentions in Ireland, it became necessary for Great Britain to purchase her tranquillity at the expence of her trade, her commerce, and her navigation He declared he differed with the Chancellor of the Exchequer, *toto cælo*, as to the points in which the right honourable gentleman had said he would trust Ireland, and those in which he chose to "make assurances double sure," Mr. Fox said he would trust every thing to her generosity, but not much to her prudence. Ireland would always give Great Britain every possible assistance when she had it in her power; but she might not act in moments of difficulty with a degree of wisdom equal to the exuberant gratitude of her nature. He said he would not challenge the truth of the declaration of the right honourable gentleman that Ireland would be perfectly satisfied, and would ask no more of this country, after the proposed concessions were made; this, might be true, for the best of all possible reasons, viz. because this country would then have nothing left to concede. He repeated, that he believed he should be under the necessity of opposing the propositions, but he did most earnestly deprecate the idea, that because the Parliament of Ireland had agreed to the propositions, and because the rejecting them would be productive of some mischief, that House was to be precluded from freely debating them, and exercising their opinions as became them as members of Parliament to exercise them for the good of their constituents.

Mr. *Dundas* said, he would, at that late hour, take up but very few minutes of the time of the Committee, and that only to take notice of one or two things that had fallen from the right honourable gentleman. He then said, it was very true that he had supported the noble Lord when he proposed the resolutions in 1779 he well remembered what had passed on that occasion, and he hoped the noble Lord would in the future discussion of the subject also well remember the ideas that were in his opinion at the time. The noble Lord was, in his mind, perfectly justifiable for what he had done, let the Committee recollect, that the noble Lord was at the time embarrassed with the conduct of an irksome and expensive war; it was, therefore, sufficiently to be accounted for how the noble Lord came of a sudden to make the propositions relative to an equal trade between Great Britain and Mr Dundas.

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Ireland, that he then brought forward, but the right honourable gentleman was mistaken in saying, that he (Mr. Fox) had at the time approved of the resolutions The right honourable gentleman had at the time declared he would give no opinion upon them one way or the other. he had said he would not pledge himself to any thing, nor had he otherwise approved of them than by acquiescing in them, without giving them a negative, or taking the sense of the House upon them. With regard to the proposition of 1782, let the right honourable gentleman recollect, that it was brought forward by him precisely in the same way in which his right honourable friend had brought forward the propositions that had been read that day. It had been first propounded to the Irish Parliament, had been there agreed to, and then proposed by the right honourable gentleman to the Committee of the British House of Commons Mr Dundas reminded the Committee of the race for popularity that had been run by the various successive Administrations, about that time, on the subject of Ireland, and said, the different circumstances of the times justified the different extent between the system now proposed by his right honourable friend and the former concessions to Ireland In those former concessions we had gone so far, that he was, he said, perfectly convinced that nothing but going as much farther as the propositions of that day went would establish an intercourse between the two countries on an amicable and permanent footing.

Lord North said a few words in explanation.

Mr. Ald Watson. Mr. Alderman *Watson* highly praised the manner in which the Chancellor of the Exchequer had opened the important business, but urged him to grant the Committee as much time as possible, in order to enable them to inform themselves fully of the subject.

Col Fitzpatrick. Colonel *Fitzpatrick* rose to correct a misstatement that Mr. Dundas had made, relative to the resolution of 1782 having been proposed by Government to the Irish Parliament previous to Mr. Fox's having proposed it in that House. Colonel Fitzpatrick said, an address to the Crown, the ground of the resolution of 1782, had been proposed in the Irish Parliament when there might be said to have not been any existing Government in Ireland. He had not at the time, though secretary to the Duke of Portland, a seat in the Irish House of Commons, nor had any person connected with the Lord Lieutenant either proposed or supported it; it could not, therefore, be deemed the act of a Minister, but was in fact

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the result of a private motion, which no influence or power of a Minister could have prevented.

Mr Pelham, in a short speech, stated the difficulty that would occur relative to the linen manufacture, for by the new resolutions, we were for ever to yield up the power which it gave us.

Mr. Rose. Mr. *Rose* desired to say a word or two upon a point on which the honourable gentleman opposite to him had laid considerable stress; that was, his doubt respecting the illegal introduction of French sugars through Ireland into England. Mr Rose said there were two securities against it. He adverted to a passage lately cited in a former debate by Mr. Eden, from Montesquieu, as to its being a fundamental law of all European nations to exclude the traffic of foreign powers with their colonies: he said, the French King had lately proceeded upon this, and had issued an arret, conformable to Montesquieu's idea, which would be well executed by the French officers, governing French islands. Mr. Rose added likewise, that the smuggling alluded to was utterly impossible to be carried on, from the manner in which the laws had guarded against it both in the British islands and in Ireland.

Mr. Eden. Mr. *Eden* said, that he congratulated the West India merchants, the planters, and the sugar refiners of Great Britain, on this new security to their property, under the efficacious preservation of a French edict; possibly, those important bodies of men might have been better satisfied if the honourable gentleman had laid more stress on his other security, the impossibility which rested for the present on assertion, and not on argument. As to the general business before the Committee, he would enter into it at a future opportunity; in the mean time he thought it fair towards Ireland to remark, that this mode of sending back her specific propositions from the British Parliament, without a better explanation than could be drawn from the general question before the Committee, tended to involve the negotiation in a general embarrassment, and to create a soreness in that kingdom. It was also exceptionable as to England, for it seemed to imply that if the present requisitions on the part of Ireland should not be complied with, and her circumstances nevertheless should become great and rich, she was not expected hereafter to furnish a larger proportion to the expences of the empire than at present. He also said that the hereditary revenue was a bad measure of the improving circumstances of Ireland; for it was easy to shew that the increase of that revenue was by no means a certain

certain consequence of the increase of Irish trade and commerce, and in fact that revenue had been higher many years ago, when Ireland was suffering in extreme poverty, under the illiberal system then maintained respecting her.

He desired, however, not to be understood as either wishing for a compensation, or as willing to give what was proposed, or as prepared to deny it. The whole was just matter of consideration: the merchants and manufacturers of the kingdom must be consulted, who best understood the subject.

Reciprocity, and mutual interchange of prohibitions and bounties, and full participation of advantages, were all great and well-chosen words: but it would, at the same time, be right, before the country was guided by phrases, to consider her relative situation. The debt of Great Britain, compared with that of Ireland, was in the proportion of one hundred to one; and the taxes paid in Great Britain were fifty shillings annually for each individual, whilst those paid in Ireland were not a sixth part of that amount. Under such circumstances, and when, in all the reciprocity, the islands at least were separate property of Great Britain, the question, both of justice and expediency, ought to remain open. Possibly there were some points in the respective commerce of the two countries, in which their interests were irreconcileably separate and distinct: possibly it might be shewn, in some instances, that the sale of Irish manufactures would proportionably decrease the sale of British manufactures; and that the increase of Irish revenue would proportionably decrease the British revenue. The plan proposed was a total and sudden voluntary revolution in the whole system of commerce. If half the objections that night started to it were well founded, the establishment of such a plan would gradually, but certainly, be followed by the sinking of British rents, and the destruction of the funds and of public credit; but he would gladly hope, and earnestly endeavour to find that such forebodings were utterly ill founded. He concluded with thanking the Chancellor of the Exchequer for having reminded him of a publication, which he had heretofore risqued on this subject. He certainly should ever reflect with pride and with pleasure, that he had five years ago been the first man in this kingdom who had ventured to sign his name to a wish that the Irish trade should have the great advantages at that time or soon after given. The same principles of liberality and affection towards Ireland still subsisted; but in his attachment

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to the one kingdom, he muſt not be expected to deſert the eſſential and ſolid intereſts of the other.

Mr. Chancellor *Pitt* ſaid, it would be right to direct the Chairman to report a progreſs, and aſk leave to ſit again; and as he did not wiſh to hurry a buſineſs of ſuch immenſe importance, he would, if there was no particular objection, name that day ſe'nnight for the Committee to ſit again. Mr. Chancellor Pitt.

Sir *William Cunynghame* ſaid, an alarm had already reached Scotland of the buſineſs, and that her linen trade would be ruined, if the ſyſtem ſuggeſted by the right honourable gentleman were adopted. He hoped that the right honourable gentleman would name a more diſtant day, that he might have time to hear from his conſtituents upon the ſubject. Sir William Cunynghame.

Mr. Chancellor *Pitt* ſaid, the honourable Baronet had aſſigned two extraordinary reaſons for delay; the one, that he might have time to ſend to Scotland, which was already alarmed, though at ſo great a diſtance; the other, becauſe the Scotch linen manufactory would be ruined, which was almoſt the only branch of manufacture that would not be in ſome ſort affected by the propoſed ſyſtem. Mr. Chancellor Pitt.

Sir *William Cunynghame* ſaid the right honourable gentleman was miſtaken in his idea, and that his ridicule was ill directed. The propoſed ſyſtem, he preſumed, would affect the traffic in painted and printed linens, and thus injure the linen manufactory of Scotland; and as to the alarm already taken in the North, and the neceſſity for more time, that nevertheleſs exiſted, in order that he might hear from his conſtituents, he truſted, there was nothing irreconcileable to common ſenſe in that idea. The Iriſh papers, with the debates that had paſſed in the Iriſh Houſe of Commons upon the ſubject, had reached Scotland, but nevertheleſs the Linen manufacturers in that kingdom had not had time to come to a deciſion what ſteps were moſt proper for them to purſue, in order to avert an evil of ſo alarming a nature to their intereſts. Sir William Cunynghame.

The Lord Advocate of Scotland* corroborated what Sir William had ſaid, and preſſed for a few days longer interval, before the buſineſs was brought on again.

Mr. *W. Grenville* ſaid, the Committee might meet that day ſe'nnight, to receive ſuch farther information as might be within their reach, although the two honourable gentlemen might not then have heard from Scotland. Mr Wm. Grenville.

Mr. *Fox* ſaid, he preſumed the whole of the little diſpute had ariſen ſolely from a miſapprehenſion of the Chancellor of the Exchequer's words. He preſumed the right honourable gentleman Mr. Fox.

gentleman did not mean to press the Committee to come to any decisive vote even when they sat next.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, when he had named that day se'nnight, he meant that the Committee should then sit to receive such farther papers and information as might be ready, and if any gentleman were to rise and assign a reason why it would be adviseable for the Committee to adjourn the farther consideration of the resolution, he would readily consent.

The House was after this resumed, and rose immediately.

February 23.

This being the day appointed to ballot for forty gentlemen to form a part of the Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies,

Mr Burke. Mr. *Burke* rose about half after three, and, in a speech of some warmth and vehemence, warned the members against taking part in a matter of so much iniquity as the sort of judicature about to be instituted by ballot that day. He reprobated the jurisdiction in the severest terms, and called it a part of a system of management to protect and cover fraud, peculation, and corruption. He declared he would sooner die, than be concerned in so iniquitous a proceeding. Passive obedience, he said, every man owed to the laws of his country, but active obedience he owed only to God. He had endeavoured last session to put the House upon its guard as to what they were going to do, when this extraordinary Court of Judicature was under discussion, but the time at which the bill passed, was a moment when no man who wished well to his country could obtain a hearing; he thought it his duty, therefore, now they were on the eve of enforcing the most absurd part of the absurdest act that ever received the sanction of the Legislature, to warn gentlemen of their danger.

The ballot was put off to a future day.

Mr James Luttrell. Mr. *James Luttrell* rose to move, that the order of the day might be read, for going into a Committee of Supply, for the purpose of taking into their consideration the ordnance estimates; but before he did so, he begged leave to state shortly to the House, what part of the customary estimates would not be referred to the Committee that day. Mr. Luttrell then proceeded to state, that the 50,000l., the usual sum asked annually, for carrying on the fortifications, would not be asked at present. He mentioned also other particulars, and concluded with a motion, "That the order of the day "be read."

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The *Speaker* stated the usual mode of proceeding to be, that when notice had been given for the estimates of any particular head of public service to be brought under the consideration of a Committee of Supply on a particular day, that the member, to whose lot it fell to open the estimates, came down and moved the order of the day for the House to resolve itself into a Committee, and, when the House was in a Committee, he stated that part of the estimates which was submitted to their consideration, as well as that part which was not submitted, assigning his reasons both for the one and the other; but that it was irregular, and contrary to the established usage and practice, to go into the subject at all, before the House had resolved itself into a Committee. The Speaker.

The Earl of *Surrey* declared, he had a word or two to say, which he must take that opportunity of delivering in the House, and before the Speaker left the chair. His Lordship then entered his protest against the Board of Ordnance coming again to Parliament for 50,000l. for fortifications, declaring that he would not give his consent to the grant of another shilling for any such purpose, as he thought the navy our natural bulwark, and that which ought to be preferred to either army or ordnance. He then complained of the act of the last session, which, he said, deprived those whose lands were fixed on by the surveyors of the Board of Ordnance as proper to build fortifications upon, of the right of having the value of their land determined by a jury. His Lordship stated his complaint so, that it bore somewhat the appearance of a personal charge against some person or other:—hence The Earl of Surrey.

Mr. *James Luttrell* denied the fact, and challenged the noble Lord to the proof of any one foot of land having been taken from any one person whatever without the full value having been determined by a jury. Mr. Luttrell reprobated such a mode of attack, and passed an encomium on the noble Duke at the head of the Ordnance, describing him to be a man of many virtues, and too zealous for the rights of the People, to countenance so unjust and oppressive a mode of proceeding as the noble Earl had referred to. Mr. James Luttrell.

The Earl of *Surrey* rose to reply, and declared his extreme surprise at the manner in which the honourable gentleman had risen to give him a flat denial. He had not, his Lordship said, made any personal charge whatever, nor dreamt of any such thing; much less had he suggested any thing like an insinuation to the prejudice of the noble Duke at the head of the Ordnance; of the noble Duke's love of œconomy The Earl of Surrey.

nomy he had often heard, and he gave him full credit for it. What had induced him to rise, was merely to express his dislike of the act of the last session, that had passed at the instance of the Ordnance Board.

Mr Rose. Mr. *Rose* spoke to the order of their proceeding, and moved the order of the day.

Lord Maitland. Lord *Maitland* reprehended Mr. Rose for his interference, and said, when he had sat longer in Parliament, he would know how to conduct himself with more decency.

Mr. Steele. Mr. *Steele* said, his honourable friend was not to be taught decency by the noble Lord. His honourable friend was perfectly justifiable, and perfectly regular, in what he had done. The noble Earl had been alone to blame, if blame was any where ascribable. If the noble Earl had at first expressed himself as he had then done, no misapprehension could have taken place; but the noble Earl's first speech apparently conveyed a direct personal charge, accompanied with a pretty strong insinuation against the noble Duke at the head of the Board of Ordnance, neither of which, he was conscious, had been merited. The noble Earl's answer, he said, had been perfectly satisfactory.

The order of the day being then read, the House resolved itself into a Committee of Supply, Mr. Gilbert in the chair, and Mr. Luttrell shortly stated what the estimates he meant to call upon the Committee to vote, were. He concluded with moving one resolution.

Mr. Holdsworth. Mr. *Holdsworth* rose, and called the attention of the Committee to the mode of hearing causes before a jury, where the Ordnance had appropriated land, the property of private persons, to the use of the public.

Mr. Rolle put a question relative to the same fact to Mr. Luttrell.

This created a question and answer conversation of half an hour's continuance.

The Committee then began a conversation upon the expence of the fortifications now carrying on as a security to the several dock-yards.

Capt Macbride. Capt. *Macbride*, in the course of it, took occasion to reprobate the practice of following a new system of defence, and trusting rather to fortifications on shore, than to a strong navy at sea. This was, the Captain said, a direct inversion of the rules of our forefathers, who had not forgot that Great Britain was an island, and her cliffs inaccessible. The various fortifications round our coast, he pronounced to be so many monuments of ignorance and folly. The public money, to

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an immense amount, had been lavishly thrown away upon them without producing any other effect than the contempt of foreigners and the ridicule of every man at all skilled in the science of fortification. He compared our stupendous and costly bulwarks to the slight and well-contrived forts of France, declaring that her coasts were so admirably defended, that no hostile ship could enter one of her harbours from Ushant to Calais, and yet any of the French vessels that were pursued might run in, and the crew were sufficient to man the guns of the fort to conduct the defence of the harbour; whereas on our coasts there was scarcely a gun properly pointed, and not a single beacon to warn vessels of their danger; so that the privateers from Morlaix, Cherbourg, and Havre, might snap up our ships within sight of our shore. He particularly spoke of the fortifications of Plymouth, and reprobated the project of fortifying Whitsand Bay. He read the letter of a committee of sea officers, deputed by the Board of Admiralty, at the instance of the Board of Ordnance, to survey Whitsand Bay, and report their opinion of it as to safety. In the letter it was stated, that with a south-west wind no vessel could come in; but when the wind was westerly, and blew off the land, an enemy might effect a landing—if there was no force to oppose them. The Captain said, the word invasion was of as much use to the Board of Ordnance, when they wanted to squeeze the money of the public out of their pockets, as the word hobgoblin was to nurses, when they wished children to hide their heads under the bed-clothes, and go to sleep. In consequence of the repeated alarm of an invasion, the public had been gulled out of some millions, which had been mispent in fruitless fortifications; whereas, our ancestors, who knew better, placed a single fort in a proper situation, so as to command the entrance or mouth of an harbour, as Hurst Castle did. There was, at this time, he said, an idea of fortifying Stoke's Bay, which he would venture to pronounce as absurd an idea as ever had entered the brains of a set of men, who pretended to know what would prove an actual defence in time of danger, and what would not. The Captain added, that the fortifications now carrying on at Portsmouth and Plymouth, which had been stated to that House as capable of being completed for 500,000l. would cost two millions at least. He said there required very little addition to make Plymouth perfectly safe, and that the fortifications of Maker were of little use. He imputed much of the error of the modern system of defence, to its having been adopted solely at the judgement and discretion of military offi-

cers; whereas it was highly necessary that the opinion of naval officers should have been likewise taken, as they undoubtedly were most likely to know what was the best mode of defence from attacks by sea.

Captain Phipps.

Capt. *Phipps* said, he was extremely sorry to differ from an officer of so much experience and ability, but he had the honour to have served at Plymouth when Mons. D'Orvilliers' fleet was off that port, and it was incredible to what a degree dismay prevailed in the minds of all who were in the service there, as well as in the minds of the inhabitants of Plymouth, from a consciousness that the fortifications were inadequate to a defence of the dock-yard. Had the honourable gentleman happened to have been at Plymouth at the time, and held the same arguments that he had that day used, he was persuaded his constituents would not have afforded that House the advantage of having the honourable gentleman's eloquence and abilities to assist them, when such subjects were under discussion. Captain Phipps said farther, that he lamented that such able and excellent officers as those, whose names were subscribed to the letter the honourable gentleman had read, should have been employed in the survey of a bay, which, according to their report, would admit vessels to enter in perfectly fine weather and smooth water, and was assailable and capable of having a landing of an enemy effected on its shore when there was no force to prevent it; which was just as much as to say, that what was not actually impossible, might be attempted with success.

Capt Macbride.

Captain *Macbride* replied, and said, the honourable gentleman had complimented him in his way, but he should still persist in his argument. The Captain then again went over his former ground, and repeated his assertion, that a small addition of fortifications would render Plymouth perfectly secure.

Captain Phipps.

Captain *Phipps*, in reply, assured the honourable gentleman that he had been perfectly serious in what he had said of him, and that he had not the smallest intention of paying him any Irish compliments. With regard to what he had said of Plymouth, he only meant to describe the feelings of all who were there at the time he referred to, and to state his opinion, that if the honourable gentleman had been likewise at Plymouth, when Monsieur D'Orvilliers was off the harbour, and had delivered the same sentiments that he had stated to the Committee, he did not think it very likely that he would have had the electors of Plymouth for his constituents.

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The Committee, after this, went into and desultory conversation on the subject of the fifty thousand pounds voted last year for fortifications; in which Mr. Rolle, Mr. Courtenay, Mr. Luttrell, Mr. Edwards, Mr. Steele, and others, took part. At length Mr. Steele proposed, as the Committee was remarkably thin, and as the Chancellor of the Exchequer was not able to come down from indisposition, that the Committee should adjourn, and debate the subject on the report.

Mr. *Sheridan* offered to accede to the proposition, provided it was understood that a motion for the re-commitment of the Report should not be opposed by any of the gentlemen present. Mr. Sheridan.

This created a fresh debate, in which Lord Mulgrave, Mr. Eden, Mr. Rose, Mr. Steele, Mr. Hussey, and several other gentlemen, took part.

February 24.

Mr *Francis* entered into a discussion of the very different accounts of the charges of the civil establishment in Bengal, given by the Court of Directors, in the statement of their establishments in India, then upon the table, and which had been presented in conformity to the act of the past year, and in the Report of the 23d of January, 1784. In that Report, Mr. Francis said, the Court of Directors affirmed and made it part of their basis of the estimate of the funds applicable to the purchase of investments abroad for the ensuing six years first, that the annual civil charges of Bengal would not exceed 350,000l. whereas the statement on the table put the real expence at 927,945l. which amounted to the difference of 577,945l.; and they had also stated that the charge of the civil establishment at Madras would not exceed 60,000l. whereas the present statement put it at 104,140l. which amounted to the difference of 44,140l. and that added to the difference upon the civil establishment, amounted to the enormous difference of 620,085l. which, in six years, would swell to the size of 3,732,510l. Upon this excess in the statement, compared with the estimate in the Report of January, 1784, Mr. Francis made several observations, declaring that he did not mind such a trifle as 100,000l.; but the excess he had stated was enough to alarm any man, and plainly proved how necessary it was that the House should, as soon as possible, have the papers that were ordered last week before them, that they might be able to trace the source of such an extraordinary difference between the two accounts. Another matter Mr. Francis.

ter alſo, that appeared to him rather unaccountable, was, that the charge of the military eſtabliſhment of Bengal, which had amounted the preceding year to more than 3,000,000l. was, in ten months, diminiſhed to the ſum of 1,100,000l. In order to have that matter explained, he wiſhed for a ſight of the papers he had called for, or, had there been any of the leading Directors of the Company preſent, he would have put a queſtion to them upon it. Having gone through his obſervations on the difference between the two accounts, Mr. Francis ſaid he had a motion to offer for a paper, to the granting of which he preſumed there could be no objection; but as he meant to proceed upon the paper, and to render it the object of future diſcuſſion, he wiſhed for the attention of the Houſe for a few moments, while he juſt opened to them the view with which he ſhould move for it. In matters of reform, he ſaid, it was not enough to do away facts that had been thought improper, but the principle ſhould not be ſuffered to remain; principles were the ſources of facts, and as long as the principle was ſuffered to continue, new facts and new circumſtances would grow out of it. His intention, therefore, was, to attack a principle that had given birth to conduct of an improper nature, and, if ſuffered to remain, would be the origin of more improper conduct. He alluded, he ſaid, to a poſition laid down by Mr. Haſtings in a letter he had ſent to the Court of Directors, in which, after enumerating a variety of claims for expences he had been at on their account, he ſtated, that he had paid himſelf out of monies privately taken by him, and that ſuch a mode of privately taking money was that beſt adapted to the ſituation and proſperity of the Company's affairs in India. Mr. Francis made ſome remarks on this principle, which he contended to be a moſt pernicious one, and inſtanced a few particular proofs that it was ſo: but he declared he would forbear entering farther into the ſubject then, as he meant to diſcuſs it more fully at another time; and as he imagined he had ſaid enough to excite the curioſity of the Houſe at leaſt, and make gentlemen deſirous of ſeeing the letter in which the Governor General laid down the principle, and ſtated it to be a principle perfectly unexceptionable, he would move,

"That there be laid before this Houſe a copy of a letter "from Warren Haſtings, Eſq. Governor General of Fort "William, to the Court of Directors of the Eaſt-India "Company, dated from the River Ganges, 24th of Fe- "bruary, 1784."

Major

Major *Scott* declared, he roſe with great pleaſure to ſecond the honourable gentleman's motion, and to reſcue the Report given by the Directors on the 24th of January, 1784, from the reflections then caſt upon it: he would avow that that Report was ſtrictly fair and juſt, and that nothing in the accounts upon their table tended in the ſmalleſt degree to invalidate it, that Report ſtated that the expences of the civil department were 350,000l. a year, and the honourable gentleman had now ſaid that they appeared by the account on the table to be 900,000l. He was aſtoniſhed that the honourable gentleman could thus miſlead that Houſe, but he was very glad to find that the honourable gentleman had conceded ſo far to him as to give up 127,000l., and he truſted that before they had done with theſe accounts, he ſhould bring the honourable gentleman to farther conceſſions. The 350,000l. in the Directors' account of January, 1784, took in thoſe charges only which were actually civil charges, but the account on their table took in not only the civil charges, but the revenue, (which in the Directors' account were entered ſeparate) the ſalt, (which was alſo entered ſeparate, and produced a neat revenue of 540,000l) the commercial, and, as he had ſaid before, 121,000l which were military. If the honourable gentleman would deduct theſe, he would find that the account of the Directors in 1784 was ſo accurate, that it could make no difference in the preſent argument. As to the military, he was really aſtoniſhed that the honourable gentleman, who was ſo long a member of the Supreme Council, and who muſt be converſant with military affairs, could be ignorant of the difference between war and peace eſtabliſhments He again repeated what he had ſaid before on another occaſion, that the military charges were accurate, if they transferred from the civil head 127,000l which was ſtrictly military. The honourable gentleman knew, that three regiments of cavalry, and ſix of infantry, had been diſbanded ſince the peace, that all the regiments were reduced from 1000 to 780 rank and file, that the ſtaff had been reduced, that the Bombay detachment, which coſt 400,000l. annually, was reduced, that the Madras detachment was returning without its heavy ordnance or ſtores, that the troops were in cantonments, and that the contingencies and expence of ſtores, &c were at an end. He deſired the honourable gentleman to tell the Houſe what grounds he had for ſuppoſing that the peace eſtabliſhment now was higher than when he was in Bengal, except as to the pay of European officers, who muſt neceſſarily continue. Maj Scott.

Major Scott declared he made an ample allowance for them alſo, when he ſaid that the Directors were warranted in ſtating all their military expences within 1,001,000l. The honourable gentleman wondered why the paper he moved for ſeveral days ago was not yet produced; he did not wonder at all that it had not yet appeared. The honourable gentleman ſaid, that he was ſure ſuch an account was made out at the India Houſe: this he denied; but perhaps he alluded to the accounts brought forward to the Directors, which, though poſſibly very proper for that Court to conſider, were too full of nonſenſe and abſurdity for any man to venture to put them upon the table of that Houſe. In fact, thoſe accounts ought never to have gone beyond the Directors; but he had ſeen and analiſed them, and ſo, he doubted not, had the honourable gentleman, and he would venture to aſſert, that no man who valued his character would ever bring them upon their table under the head of expences in the "civil depart-"ment;" for the hints which the Chairman produced were, civil, military, revenue, ſalt, and commercial: he would illuſtrate this by a ſingle remark, which the honourable gentleman would perfectly comprehend. Under the head of Governor General was, firſt, his ſalary, 25,000l. a year; next, the rent of a houſe, 1800l. a year, ſince 1778, to which the honourable gentleman conſented, becauſe he knew that, Mr. Haſtings's Government houſe being turned invariably to a Durbar, he had not a ſpare room in which he could turn himſelf round. This was ſtrictly a civil charge. Then followed aid de camps, ſecretary, and interpreter, a regiment of infantry, and the only troop of cavalry in our ſervice. He would aſk the honourable gentleman, if in any account in India or in England, theſe laſt heads were made part of civil charges, he was ſure the abſurdity and folly of ſuch an account muſt ſtrike the honourable gentleman. When the military accounts were taken up, if Mr. Haſtings had too many aid de camps, if neither the cavalry nor infantry were wanted; ſtrike them off; but to include them under a civil head of charge was ſomething worſe than folly; and here he begged leave to add, that they had no right to argue from any private accounts brought by the Chairman to the Directors. That Houſe had now called for an account, and the Directors were reſponſible that they produce a fair one. As to the whole accounts, he longed for an inquiry into the particulars, and was anxious it ſhould be commenced; and with reſpect to Mr. Haſtings's letter, and the accounts of expences incurred by him, which were *bona fide*

public

public expences, when that came forward, he should appeal to the honour and the conscience of the honourable gentleman to say, whether he did not, *bona fide*, believe Mr. Hastings had expended in the public service every rupee he had now charged the Company.

Mr. *Francis* rose again, and said, it was very extraordinary that whenever he thought it his duty to move for papers relative to India, or to say a word that bore reference to the concerns of the Company, he was to be answered by the honourable gentleman, just as if there was a personal contest between them, and that it was to be carried on in that House. He knew very well, and the world knew, that the honourable gentleman represented Mr. Hastings, and acted as his agent in a manner extremely able and zealous, but he had not before heard that the honourable gentleman was likewise agent to the Court of Directors. The chief part of his speech, and that part to which the honourable gentleman had directed his reply, was a series of animadversions on the Court of Directors, in whose defence he had not an idea that the honourable gentleman held himself bound to stand up an advocate, or that he considered himself as their representative. But it was plain, what he had said was a wound that went to the honourable gentleman's heart; it had been felt by the honourable gentleman and his feelings would not suffer him to sit still, even when a mere order for papers was under consideration. With regard to the arrangement of parts of the military, under the head of the Civil Establishment, and the other circumstances stated to account for the charge of 927 945l for the civil establishment, being a fallacious, absurd, and nonsensical mode of statement, be it so. At whose door did the fallacy, the absurdity, and the nonsense lie? Not at his, but at the door of the Court of Directors, who had made up the statement, then upon the table, in that manner. In one part of his speech, the honourable gentleman, Mr. Francis said, had appealed to his personal honour, and asked, whether he was not of opinion that Mr Hastings had paid out of his own purse the several expences which he stated in his letter. In answer to this appeal, which was a singular one, he believed Mr Hastings might have so defrayed them, but what had that to do with the motion, or his reasoning in support of it? It was the principle, and not the facts, that had grown out of it, that he wished to attack; and it was in order to come at the principle, that he had moved to have the letter laid upon the table.

Major Scott. Major *Scott* said, he was no agent for the Directors, but he spoke as a proprietor, desirous not to see the Company's stock depressed, as it formerly had been, by misrepresentation; and he avowed that the accounts brought forward by the Chairman, of the expences of 1776, compared with 1783, were probably very proper for a Court of Directors to consider and to analyse; but they were so absurd, if considered as actual accounts, that he believed no man would dare to put them on the table of the House, and they would naturally be enumerated article by article, before they were given in that House as authentic.

Mr Samuel Smith. Mr *Samuel Smith* confirmed what Major Scott said, and remarked that the honourable gentleman (Mr Francis) by his own account, had infinitely the advantage of the Court of Directors, as they laid their accounts before the House, to which they were pledged; but that the honourable gentleman merely threw out insinuations without asserting any thing positively; Mr. Smith warned the House to beware of such insinuation for if they were well founded the House might be sure the honourable gentleman would venture to assert, and not insinuate, which was generally the [illegible] and that it was by such insinuation that the credit of the Company was attempted to be wounded, which might have some effect when coming from a gentleman who lately held a high situation in the Company's service. With respect to accounts upon the table, as alluded to, he said, they were so various, that it was almost impossible to point them out specifically; that the honourable gentleman had alluded to the amount of the civil establishment that was [illegible]; but it should be considered, that if those expences were arranged under the proper heads, a great part was military, revenue or commercial, but that it was argued by those who wished to depreciate the situation of the Company's affairs as merely civil, and taken a second time to account, whenever they alluded to either of the other establishments, that accounts might be upon that table, which were not accounts that had passed the Court of Directors; and though the facts upon which they were founded might be fundamentally true, the mode of stating them singly might give them a different aspect to what they would bear when the whole system was arranged under the different heads, and the various establishments considered, he reminded the House that it was the account during the war, when the expences were at the highest; but they were now undergoing a very considerable reduction, and much of the expence naturally ceased with the war, and other parts were daily retrenching.

Mr. *Fox* rose to remark, that all the invective with which the honourable gentleman had loaded his speech, applied solely to himself and the rest of the Court of Directors, because if the stating the charge of the civil establishment of Bengal was false, fallacious, and absurd, the whole of the absurdity, the fallacy, and the falsehood lay with the Court of Directors, who had so stated the charge in the paper then on their table. Mr. Fox put this very pointedly, and said, he rose merely to shew how unjust it was to charge his honourable friend with wishing to mislead, when he was at the very moment calling for papers to explain a difference in two accounts, each of which had been presented by the Court of Directors themselves, and consequently it was the Court of Directors against whom alone such a charge was relevant. Mr. Fox.

Mr. *Burke* reiterated Mr. Fox's remark, but carried it still farther. He said, at last they had got a Director of the Company to talk to them, and the very first time they were able to obtain this mark of favour, the Director tells the House openly and unreservedly, that the account which he and his brother Directors had presented to the House was false, fallacious, and absurd. If this were true, the honourable gentleman was a criminal, but he would not suffer him so to criminate himself, nor would he upon his own confession deem him guilty to the extent that he said he was. Mr. Burke proceeded to question the authority under which Major Scott acted in that House. He said, the honourable gentleman had formerly been known to the House as the agent of Mr. Hastings, and had been stated to have his authority for acting in that capacity. He wished, therefore, to know, whether Mr. Hastings still continued him as his agent, and furnished him with proper instructions from time to time how to act. If he did, that House knew that he spoke a language of authority, and would be able to distinguish what degree of confidence and credit was due to what he said; but, if Mr. Hastings had withdrawn his agency, and no longer continued to invest the honourable gentleman with his authority, and to furnish him with instructions from India, then the honourable gentleman spoke merely as an individual, and a private member of Parliament. [Mr. Burke here moved, "That the "Appendix to Mr. Dundas's Report, or the Report of the "Secret Committee, p. 372, might be read;" it was read accordingly, and contained a letter from Mr. Hastings to the Board of Directors, informing them, that he had given Major Scott full authority to act as his agent, and should from time to time furnish him with instructions upon all the events of India.] Mr. Burke.

India.] Mr. Burke ſaid, he really thought Mr. Haſtings acted wiſely in putting himſelf *in curia*, and appearing in that Houſe by his attorney, if the fact were ſo; but what he wiſhed to know was, whether it was ſo or not, and therefore he ſhould move, that the authority and inſtructions under which Major Scott acted in that Houſe, as the agent of Mr. Haſtings, be laid upon the table. He added a variety of pointed remarks on Major Scott's ſituation, and on the two accounts the Directors had preſented to the Houſe, reminding the Houſe that they had the authority of a Director, ſitting in his place on the India Bench, that the ſtatement laſt given in, and which was laid before them in compliance with the poſitive direction of an act of Parliament, was falſe, fallacious, and abſurd. He concluded his ſpeech with putting his queſtion relative to the parliamentary character of Major Scott in the form of a motion.

Maj. Scott. Major *Scott*, in reply to Mr. Burke, ſaid he knew not by what right or authority the right honourable gentleman queſtioned him in the character of Mr. Haſtings's agent. He gloried in his connection with Mr. Haſtings; but in that Houſe he ſat as an Engliſhman, as a man who had ſerved ſixteen years in India, and who, from his family, had juſt as good a right to ſit in the Houſe as any member preſent. As well, the Major ſaid, might he talk of the right honourable gentleman ſitting in the Houſe as agent of the Rajah of Tanjore. He had waited on the late Chairman, Mr. Sulivan, in behalf of the Rajah, and his near relation was actually in that character at the preſent moment. Having ſaid this, the Major avowed, that his connection with Mr. Haſtings was not altered, and that there was no event in his life in which he ſo much gloried, as in the unbounded confidence Mr. Haſtings had been pleaſed to repoſe in him, but in that Houſe he ſat as an Engliſhman, and he looked upon it, he was juſt as competent, in point of family and fortune, to have the honour of a ſeat in the Houſe as the right honourable gentleman, or any honourable gentleman on either ſide of the Houſe.

Mr. Burke. Mr. *Burke* ſaid the honourable gentleman was perfectly welcome to queſtion him; he wiſhed that every part of his character, every circumſtance of his life, and every ſituation he ſtood in, ſhould be known and made as public as the noonday ſun; he did therefore aſſure the right honourable gentleman, upon his honour, that he was not agent to the Rajah of Tanjore, nor had any connection with him whatever. He entered into a diſcuſſion of the nature of an agency, and declared

clared his surprise that any man should be ashamed to act in that character. The honourable gentleman opposite to him had been known to be the agent of Mr. Hastings, and a more active, zealous, and able agent, he would venture to say, no man ever had. He had acted in the character with spirit and with honour; but it was no disgrace to him to stand in that light in that House, and to be known to the House as such. He had not the same honour; but he supposed the honourable gentleman's asking him, whether he was the Rajah's agent, arose from the honourable gentleman's idea, that no man could take a zealous and active part in the interests of another, without being paid for it. This was an idea natural enough to any gentleman who had been in India, but the fact was otherwise. He had acted with all the zeal of an agent for many, but never had received money from any one of those, in whose affairs he had taken the most conspicuous and assiduous part. Not that it was any disgrace to a gentleman to confess himself an agent, and to stand as an agent within those walls; he had formerly stood in that character, when he was agent to the province of New York, as such he had negociated the concerns of the province with the King's Ministers, in that House and in the other; and had but the language of the province, through him, been heard and attended to, perhaps he might still have been the agent of the province, and the province been a part of the British empire. Mr. Burke was pursuing his argument on this point, when

Mr. Rolle. Mr. *Rolle* rose to speak to order, and begged that the Chair would read the motion.

The motion having been read,

Mr. Rolle appealed to the Chair, whether what the honourable gentleman was saying bore any relation whatever to a motion for a letter from Mr. Hastings?

Mr. Burke. Mr. *Burke* said, he cared not for what that honourable gentleman said; he was speaking strictly to order, viz. to the question relative to privately receiving money; it ——

Mr. Rolle. Mr. *Rolle* rose again, and appealed to the Chair, whether what the honourable gentleman had said, was conformable to the order of the House, and whether he ought to be permitted to proceed?

Mr. Fox. Mr. *Fox* said, it might not be strictly orderly, but when a gentleman had been personally questioned in debate, whether he was not the agent to the Rajah of Tanjore, and had been attacked on that ground, it had been the uniform usage and practice of the House to suffer him to explain himself as to that point. His honourable friend was doing no more.

The

The Speaker rose to state both the order of the House, and to what extent, under peculiar circumstances, it had been customary for the House to connive at its being departed from.

Sir James Johnstone.

Sir *James Johnstone* spoke to order: he appealed to the chair whether such a stile of conversation was fit for that House, and whether a member of Parliament ought to be called an agent? He had just heard one gentleman called an agent to the Rajah of Tanjore, was such a charge fit to be endured?

The Speaker.

The *Speaker* delivered his opinion upon the subject, and said, in the heat and warmth of debate harsh expressions sometimes dropped, which he wished gentlemen would endeavour to avoid.

Mr. Rolle and Major Scott having both continued upon their legs, and endeavoured to obtain a hearing, after the Speaker had risen to explain the order of the House, Mr. *Eden* rose to thank the Speaker for his explanation, to do justice to it, and at the same time to declare, that he never had witnessed so gross and indecent a breach of order as he had just beheld. Two honourable gentlemen had risen to speak, after the Speaker was upon his legs for the purpose of instructing the House as to their order, and the customary mode of proceeding, and had continued standing and soliciting the attention of the House a full minute and a half, although they saw the Speaker in a situation that ought to have procured instant silence and attention.

Mr. Eden.

Mr Rolle

Mr. *Rolle* said, whenever he was called to order by the chair, or told from it that he was disorderly, he should bow with submission; but notwithstanding what had been said by the right honourable gentleman who had just sat down, he was determined, as often as the other right honourable gentleman, who had told him, "he did not care what he said," was out of order, he would call him to order, and he should expect that the Speaker would not suffer a gentleman, who rose upon a pretence of explaining, to go into personal application, and a variety of topics, foreign to the question then before the House.

Mr. Burke.

At length the interruption was adjusted, and Mr. *Burke* proceeded. He continued his remarks on the nature of an agent's character and situation, and said, he had stood up the agent of the Nabob of Oude, of the Rajah of Benares, and of all the various potentates and princes of India, whom he thought injured and oppressed, because he wished with all his heart and soul to restore happiness to every individual native of

of India. *Homo sum*, says he, *et humani nil a me alienum puto.* For that reason, and for that alone, because he felt as a man, because the cause of human nature was the common cause of all who breathed, he had been active, assiduous, and forward upon Indian affairs so often; but he never received money for his agency, nor did he desire it. He should think himself richly rewarded if he obtained his end, and was the happy instrument of relieving the oppressed, and rejoicing the miserable. It was, however, not a little singular, he said, that he should be attacked on the ground of the wealth he was supposed to possess, in consequence of the money he was suspected of having received from India, and at the same time reproached for his poverty. The honourable gentleman boasted of his fortune; God knew how little he had to boast of, nor, if he had possessed an ample one, should he have thought his riches his honours. Mr. Burke pursued this theme farther before he concluded; but as we conceive the sum and substance of his reasoning to be already given in the preceding sketch, we shall carry it no farther.

Major *Scott* begged to say a very few words in explanation: he never had said the right honourable gentleman was the agent to the Rajah of Tanjore, but he said, and he repeated it, that, as an English gentleman, and a member of Parliament, the right honourable gentleman had no right to question him about Mr. Hastings, and as well might he ask him if he was agent to the Rajah of Tanjore in England? Every body knew that a very near relation of the right honourable gentleman was the Rajah's agent, and at the same time Paymaster of His Majesty's forces in India. Again the Major repeated, that he gloried in his connection with Mr. Hastings; but in the House his family and connections entitled him to a seat, as his constituents had placed him there, and he was upon terms of the most perfect equality with the right honourable gentleman or any of the honourable gentlemen who sat near him. Maj. Scott.

The Speaker read the question; whereupon Mr. *Dundas* rose, and said, he felt himself oddly situated: the paper was moved for by a gentleman on one side of the House, in order to elucidate an account, and the motion was seconded by a gentleman on the other side of the House, who wished the paper to be produced for reasons of his own. He nevertheless had his doubts whether the paper ought to be produced. If he recollected it from the description, it was a paper at that time under the consideration of the Board of Control and the Court of Directors; unless, therefore, the House Mr. Dundas.

were

were determined to call for each individual letter that should come from India, he really thought it would be unwise to have the letter in question laid upon the table.

Mr Fox. Mr. *Fox* said, he differed exceedingly: he thought the paper highly necessary, because it would serve essentially to clear up doubts that had arisen in consequence of the contradictory accounts then on the table. It would serve also to give the House a considerable degree of information upon many material facts. Mr. Fox reasoned upon the contents of the letter, and contended that the paper was actually wanting to complete the statement that the Court of Directors had presented in obedience to the act of Parliament, because it made a part of their expence in India. It was, he said, a singular letter. It stated certain *ex post facto* claims made upon the Company by Mr. Hastings, for charges defrayed out of his private purse, but made in a way altogether extraordinary, because Mr. Hastings did not content himself with stating these claims, but farther informed the Court of Directors, that he had paid himself the amount, by taking it out of the money he had privately received, which mode of settlement, he added, was the best for their affairs. Having expatiated upon this extraordinary mode of reasoning, Mr. Fox argued the propriety of his honourable friend's calling for the paper, under the circumstances that he had stated in his speech, prefatory to his making the motion, and contended, that the case at issue between the honourable gentleman over the way (Major Scott) and his honourable friend could not be decided, unless the paper was produced.

Mr. Dundas. Mr. *Dundas*, in reply, said, he did not think the right honourable gentleman's proposition could be supported. If the claims made by Mr. Hastings were recognised, and admitted to be just, the amount of them was certainly a part of the charge upon the civil establishment, and ought to be considered as such. But surely all claims that might at any time be made, whether recognised and admitted to be just or not, could not be deemed necessary *addenda* to the accounts on the table. Were such an argument to be acceded to, the accounts would never be complete. Mr. Dundas said farther, that if the House came to a determination to call for each individual letter that was from time to time sent to the Court of Directors from India, with all his heart; he would as soon spend his time in debating upon them in that House as upon any other topic. Whether the paper was produced or not, was a matter of perfect indifference to him; but he gave notice, that, should the House order it, and any proceeding

was

was attempted to be grounded upon it hereafter, he would oppose such proceeding.

Mr. *Fox* again urged the necessity of having the letter upon their table, and said, the one thing in his own India bill, in which all parties agreed as to its utility and propriety, was that clause which enacted, "That the affairs of India, and "of the Company, should from time to time be laid before "that House, in order that the House might be perfect mas- "ters of the transactions in India, and the transactions rela- "tive to India here at home." With regard to the particular letter now called for, it was full of curious matter, and ought to be produced. If the honourable and learned gentleman had not seen in it enough to account for all that happened in India, he had not exercised his reason and discernment with his wonted ability. Mr. Fox.

Lord *Mulgrave* rose to object to the motion. That the House had a right to call for the letter in question, or for any paper on a public subject, was, his Lordship said, indisputable; but the right of the House was coupled with its discretion, and nothing could be more obvious than if the House acted solely upon its right, without a due attention to its discretion, nine times out of ten they would call for papers highly improper to be made public, and infinite mischief would be the consequence. His Lordship added, that the present appeared to him to be one of the instances in which, consistently with discretion, the right of the House ought not to be exercised, and therefore he should vote against the motion. Lord Mulgrave.

The question was put, and the House divided;

Ayes	- - - - -	16
Noes	- - - - -	41
	Majority -	25

February 25.

Mr. *Holdsworth* yesterday rose, and prefaced the motion that follows with a short speech, in which he described the Ordnance as that branch of the public service which had been ever deemed the source of more profusion than any other department, and therefore he thought it highly proper that the House should be fully informed of all the expences the Ordnance Board had already incurred upon the fortifications of Portsmouth and Plymouth, as well as of the probable ex- Mr. Holdsworth.

pence they were likely to incur in consequence of the plans and projections approved by the present Master General. Mr. Holdsworth said, he the rather thought such information necessary to be immediately furnished, as a great difference of opinion evidently prevailed as to the propriety or impropriety of continuing the plan. He concluded with moving,

"That there be laid before this House an account of the "expences incurred by the office of Ordnance, in building "and repairing works for the defence of His Majesty's "dock yard at Plymouth, erected since the first of June, "1777."

Mr. James Luttrell.

Mr. *James Luttrell* conceiving that Mr. Holdsworth had charged the present Board of Ordnance with extravagance and profusion, rose in its defence. He argued to prove that œconomy and not profusion was the characteristic of the noble Duke, the present Master General. He stated that the reform that had taken place in other public offices had originated in the fashion of the times, and had been carried into execution in consequence of the interference of Parliament; but the reform in the office of Ordnance had been solely owing to the personal zeal to save the unnecessary expenditure of the public money, that distinguished the Duke of Richmond. By his sole authority, and on the impulse of his own feelings, had the present Master General effected an essential reform in the Ordnance, a reform that had already been highly contributory to the purposes of public œconomy, and which would still farther contribute to so useful and so necessary an end. Mr. Luttrell added other encomiums on the noble Duke at the head of the Ordnance, and defied the honourable gentleman who made the motion, or any man living, to prove that the business of the Ordnance Board was not at present conducted with the strictest regard to œconomy. Mr. Luttrell added, that he gave his hearty assent to the motion, because he was sure it would support and confirm his argument.

Mr. Holdsworth.

Mr. *Holdsworth* rose to explain: he declared he had not the most distant idea of insinuating the smallest personal charge against the noble Duke, at present Master General of the Ordnance, or against the existing Board. He had spoken of the prevailing opinion, that the office of Ordnance was that most remarkable for profusion of all the public offices, but he had not applied the general observation he had made either to the present Board, or to that preceding it.

He

He had the honour to know both the noble Duke now at the head of the Ordnance, and the noble Viscount who had been the Master General immediately preceding the noble Duke: he had the highest opinion of the integrity and abilities of each of them, and wished not to be understood as having cast a slur upon either.

Mr. *Hussey* commended the motion, but thought it ought to be extended; he therefore moved to insert after Plymouth, the words "Portsmouth, Gosport, Chatham, Do-"ver, and Sheerness." Mr. Hussey.

This gave rise to a loose conversation, in which Mr. Courtenay, Mr. Bastard, and Mr. Hussey took part. At length the question was put and carried with the amendment.

Mr. *Holdsworth* rose again, and said, as he had carried his motion for an account of the sums already expended in the fortifications at Portsmouth and Plymouth, he wished to have the information complete, by having an estimate of the probable expence of finishing the fortifications of Portsmouth and Plymouth laid upon the table; he therefore moved, Mr. Holdsworth.

"That the Master General and Board of Ordnance do "prepare and lay before this House a Report of the proba-"ble amount of the expenditure which will be incurred for "completing the several fortifications intended to be erected "to the westward of Plymouth and at the Gosport side, "and at Hilsea, for the better security of His Majesty's "dock yards at Plymouth and Portsmouth."

Mr. *James Luttrell* said, he had not the smallest objection to the motion, wishing the House to be fully informed upon the subject. That, however, Mr. Luttrell said, he thought the proper opportunity of remarking upon some assertions that had been made by an honourable gentleman then present, whose experience and ability, and whose knowledge of the subject, from a long connection with the office of Ordnance, rendered every thing he said upon it matter of weight and authority. He would therefore remind that honourable gentleman of some pretty strong assertions which he had pledged himself to prove. He had asserted, that the fortifications now carrying on at Portsmouth and Plymouth, and which the present Master General of the Ordnance had estimated in his Report as likely to cost about 500,000l. could not be completed for two millions. He had asserted likewise, that it would take thirty or forty years to complete them, and that above 100,000l. had already been expended upon them; Mr. James Luttrell.

but there remained yet another assertion behind of a still more extraordinary nature, and that was, that the true meaning of the noble Duke's reduced plan was to take down large works already erected, and to build new works in their room upon a less scale; just as if a man who had built a large and costly mansion, was to take it down again, and erect a small house in its stead. These assertions, Mr. Luttrell said, were of a very serious nature, and, if true, would load the noble Duke at the head of the Ordnance with much deserved obloquy; but he had the happiness to know they were wholly ill founded; and he gave his consent to the present motion, because he was persuaded it would prove the very reverse of the honourable gentleman's assertions to be the real fact.

Mr. Courtenay. Mr. *Courtenay* said, particularly called upon as he had been, the House would certainly expect he should say a few words. Mr. Courtenay then proceeded to explain his speech of a former day: he said he had not pledged himself to prove that the fortifications now carrying on at Portsmouth and Plymouth would cost two millions; but had said, that he had been informed by officers of experience and ability, men deserving of credit, that they could not be completed for less than a million and a half. All, therefore, that he held himself pledged to prove was, that he had been so informed. But to what end prove it? Suppose he were to call four, or six, or eight, or ten able engineers to the bar, and to put the question to them, and they were all to answer in the affirmative, might not other engineers be found who would give a contrary opinion? Just as when a man stated his case to counsel, and they gave him an opinion; might he not then venture to assert that he had legal authority to say so and so, and yet other lawyers might be found who would hold an opinion directly contrary. In fact, the whole was matter of opinion; but still he would say, that he had been informed by able and experienced officers, that the fortifications in question would cost at least a million and a half. With regard to the assertion of the works having cost 100,000l. already, that was easy to be made out. Mr. Courtenay then enumerated the grants of Parliament, and the 10,000l. in the estimate of the present year, which would make 160,000l. He also defended the other assertions relative to the time that it would take to finish the plan of the Duke of Richmond, and the mode of carrying on the project upon what was termed a reduced plan. He said, in speaking in a Committee to matters of that nature, matters that were in some sort

matters of theory and ſpeculation, no member of Parliament could be expected to deliver his opinions with the preciſion and accuracy of a witneſs. He ſtated farther, that the plan of fortifications that had ſome years ſince been commenced, was originally projected by the late Lieutenant General of the Ordnance; but that the late Maſter General had, on many occaſions, declared his diſapprobation of the idea. Mr. Courtenay concluded with moving, by way of amendment, to leave out all the words, "from His Ma-"jeſty," and to inſert, "And an eſtimate of the expence "of ſuch military barracks and fortifications, diſtinguiſhing "ſuch works and fortifications, and the ſituation where "they are propoſed to be erected, to complete the defence."

Mr. *James Luttrell* objected to the amendment, becauſe he thought as the difference of opinion was confined to the fortifications of Portſmouth and Plymouth, it were better to confine the motion preciſely to thoſe fortifications. Mr. Luttrell defended the Duke of Richmond for carrying on the fortifications, by reminding the Houſe, that, during the laſt war, we had the naval force of France, Spain, and Holland at ſea, a circumſtance that could not but wholly engage the attention of the Britiſh fleets, and therefore as a neceſſity for our ſending the greateſt part of the navy far from our coaſts might ariſe, it was highly neceſſary that ſome internal defence ſhould be provided, in order to repel any attempt at an invaſion. He ſaid he hoped this country never would again have ſo many maritime powers to contend with at once; but ſurely the noble Duke deſerved credit for his endeavours to provide againſt an exigency that was by no means out of poſſibility. Mr. James Luttrell.

Mr. *Huſſey* ſupported the amendment, declaring freely that he was an enemy to fortification, and thought the beſt defence of the iſland was her navy, to which Parliament ought, in his opinion, to pay the greateſt attention. Mr. Huſſey ſaid, it made no difference whether gentlemen thought the fortifications now carrying on would coſt 500,000l. or a million and a half. They were diſputing about what it was not in the power of money to purchaſe, and therefore it mattered not at what nominal ſum it was ſtated, that the fortifications could be completed. He reminded the Houſe, that a few years ſince they had been told, about ſixty or ſeventy thouſand pounds would be ſufficient to complete the fortifications; whereas, if they looked to the Journals, Mr. Huſſey.

journals, gentlemen would ſee that Parliament had already granted 400,000l. and upwards towards them.

A deſultory converſation took place between Mr. Luttrell, Mr. Holdſworth, Mr. Baſtard, Mr. Rolle, Mr. Huſſey, Mr. Courtenay, and others; but at length the queſtion was put, and the Houſe divided,

Ayes (for the original motion)	31
Noes - - -	21
Majority - -	10

February 28.

Mr. Fox. Mr. *Fox* ſaid the Houſe was well acquainted with the motion which he was now about to ſtate. The public was alſo appriſed in ſome meaſure of its intent and conſequences. Whether the papers he meant to call for would be granted or not, he would not determine; but it was pretty obvious how the denial would be reliſhed by the people in general. It ſeemed to be a maxim with his Majeſty's Miniſters to grant no ſpecies of information which the Houſe had any right or reaſon for urging. An honourable friend of his had moved for a letter, in which it was roundly aſſerted, or rather avowed, that a conduct had been lately preferred by the Company's ſervants abroad, which was in direct defiance to all the acts of Parliament which had been enacted on the ſubject. Here was not only a groſs violation of the Legiſlature's order, but an unequivocal avowal of that violation. When, therefore, a paper of ſuch an extraordinary tendency was thus formally demanded, his Majeſty's ſervants would not grant it for this ſimple reaſon, That the ſubſtance of that letter was ſtill under the conſideration of the Board of Control. Whatever weight this might have with the Houſe in that inſtance, it could have none in this. For the object of his motion was ſpecifically different, as it regarded papers, which recorded not any thing under contemplation, but that which was finiſhed and complete. He augured ill of the Board of Control, from the moment they appeared thus peculiarly ſhy of their communications; and every ill omen which had preſented itſelf to his mind, their conduct had literally juſtified. Why this averſion to ſubmit their actions to the inſpection of their countrymen? Why thus treat the Houſe, who had treated them with ſo much diſtinction, as to place the whole of this truſt unconditionally in them? Did ſuch a proceeding tend to conciliate attachment, or promote confidence? Or, was

it not natural to all honest men, from the aspect which marked the whole of their conduct, that something was wrong, or at least doubtful? Why no intelligence of any kind whatever, relating to the state of a country so remote, and so momentous to the British empire, transpired by the speech from the Throne, had a very odd, and a very suspicious appearance. But it marked strongly the tenor of conduct adopted by the Board of Control, and the servants of the Crown. How such a mode of secreting from the nation an object thus important, would suit the humour of the House, he would not pretend to say; but he saw it would produce infinite trouble to individuals, as well as much general speculation. Within these few years the public attention had been naturally and much turned to the affairs of India; these were so involved with those of Great Britain, that whoever felt an interest in the former, could not regard the latter with indifference; therefore in consequence of this general curiosity and interest, three different plans had been proposed for the better regulating the affairs of India. These he specified as having Mr Dundas, Mr. Pitt, and himself, for their respective authors. That proposed by the right honourable the Chancellor of the Exchequer only had received the sanction of the Legislature. But he mentioned these only, to remark this circumstance to the House, that materially as all did differ in most of the topics, and chiefly in the principle to which they were directed, yet on the subject of the Nabob of Arcot's debts, they so far coincided as to express almost the same language, the same ideas. The provision in the bill brought in by the right honourable the Chancellor of the Exchequer, provided, that whatever debts were due to the servants of the Company by any of the Indian Princes, should be investigated, and made an object of special inquiry, prior to any step whatever being taken to effect payment. The whole provision to this purpose was highly meriting the attention of the House. He then said, that the motion he was now about to urge, went to a direct crimination of the new Board of Commissioners, as acting in flat opposition to the late act of Parliament, which, in this instance, at least, whatever otherwise he might think of the bill, was wise and unexceptionable. It was calculated to put a check where it was most wanted, and where it would certainly operate to most advantage. He did not think it necessary to state for the information of those who knew the history of India, what however would surprise those who did not.

Nothing

Nothing was more common, than for many persons who left this country, when neither in a condition to borrow great sums nor lend them, on their arrival in India, to become all at once creditors to the first Princes in that country, and that to a very considerable amount. This well-known fact would naturally lead to many conjectures. This much, at least, was obvious and indisputable; that such pecuniary obligations could not take place, but on supposition, that some services were thus hired, which it was not the fashion or convenient to own. He next went into a statement of the Nabob of Arcot's debt, with a view, by illustrating the several articles of which it consisted, separately to shew which of these were most intitled to immediate payment. This he contended was in perfect conformity to the spirit of the late act, which instituted that inquiry should precede payment. And whatever should be the fate of the present motion, or the complaisance of the Minister to the requisition, and the necessity of the House with respect to the information required, he was happy, as he trusted every member who wished well to the Public would be, that a copy of the identical papers which he called for were before the Public, and that Mr. Debrett did that for the Public which the Board of Control, as well as His Majesty's Ministers, had refused, though urged with great propriety, and from motives of necessity, to do either for the Company or Parliament. To this publication he referred, as containing an accurate and systematic view of the subject. It was an inquiry, he said, to which every well-principled mind would unavoidably press to see whence the origin, occasion and justice of those debts which were due to individuals from the Nabob of Arcot. The Board of Directors, as they had often done, had ordered a strict inquisition to be made; and from the facts which should be brought forward, in consequence of that inquisition, some plan of settlement, or arrangement, might take place. But this new Board of Control had over-ruled the resolution of the Directors; and in flat defiance to what the Directors had thus formally enacted, resolve forthwith to admit the claims, which were at best suspicious, or unknown, to supersede those which were known and valid. This was the great question to which he begged the attention of the House, as not only what he should farther state, but also to the various papers which he should read on the subject. It was a circumstance which could hardly escape the attention of the House, that many of these debts bore date from the time

when

when the Presidency of Madras entered the Carnatic by an army, and attacked the kingdom of Tanjore, as it was well known, at the exprefs inftance of the Nabob of Arcot; he defired this fact might be ferioufly confidered; he defired that it might be coupled with a variety of things which had fince taken place, and efpecially with the order of the new Board of Commiffioners, which his motion was intended to bring under the cognizance of the Public and of the Houfe. It had always appeared to him, and he had always ftated it as one of the greateft preventives to the authority of the direction operating with dignity and effect, that the fervants had, by peculation and intrigue, acquired a fovereignty over their mafters. Here then was the fame dreadful and prevailing evil ftill predominating; and this additional Board, inftead of ftrengthening the old government, enfeebled it, by relapfing into the only radical flaw in the original conftitution; for he was aware no man would ftand up in his place, and give fuch an account of thefe debts as would correfpond with principles of juftice between man and man. Yet fuch were the debts which the new Board among its firft acts, and to the detriment of debts actually due, had put in a train of payment. So that unlefs the Houfe of Commons, or the Legiflature, interfered and fet afide the order, it would inevitably become final. In urging this queftion, therefore, he was not haftily attacking either individual, the Nabob of Arcot, or the Commiffioners, but pleading the caufe of the Public. The arrangement of the debts due to individuals he felected chiefly under thofe of the old, the new debts, and the debts of the Company. With the firft of thefe he agreed in fubftance, and fhould not make any animadverfions on that part of the matter. He was more peculiarly interefted in thofe which were denominated the new confolidated debt, and the pretenfions on which the payment of them was demanded. He concurred with all who had given any deliberation to the fubject, in thinking fomething doubtful or unaccountable in the accruing of them. He mentioned the Directors and the Board of Commiffioners particularly, as holding the fame language; it ftruck him forcibly that, after ftating their reafons for hefitating on the matter with great plaufibility, and laying down a variety of premifes, which led to quite an oppofite conclufion, they came all at once to the abfurd, or at leaft moft unexpected one, which he trufted this Houfe would reprobate. They allowed that thofe debts were not recommended by the fame forcible reafons, which operated in the

other caſe. They owned themſelves much at a loſs concerning their authenticity. They ſtated ſtrong diſlike, as if truth extorted it from them, whenever theſe debts were mentioned; but what would the Houſe expect ſhould be the reſult of all this? That they conſequently inclined to defer the ſettlement of debts thus hypothetical only, till ſuch as were not could be fully and ſatisfactorily diſcharged. This, one might imagine, would have been the concluſion of their ſtatement. But it was quite the reverſe. They ordered indiſcriminate payment of all. The motives for ſuch a deciſion were ſingular and various. One was, that the Nabob's debts be no longer kept a-float. But how would this diſcharge prevent that conſequence, he was at a loſs to conceive. However, he owned himſelf ſtruck by what follows: "When we conſider how much the final concluſion of this buſineſs will "tend to promote tranquillity, credit, and circulation of "property in the Carnatic:" All this he perfectly underſtood. It was preciſely in the ſpirit of the general character which had diſtinguiſhed the conduct of the Company's ſervants in the Aſiatic ſettlements. This order would naturally prove to them ſatisfactory, conſequently promote tranquillity. It would have a ſimilar effect, he preſumed, on circulation, in the Carnatic, as it would take out of the Nabob's pocket, and put into that of the Company's ſervants. They added, "When we conſider that the debtor concurs with the credi-"tor in eſtabliſhing the juſtice of theſe debts conſolidated in "the year 1777, into groſs ſums, for which bonds were "given liable to be transferred, different from the original "creditors." On this it was concluded, that no good can reſult from an unlimited inveſtigation. This was diſpatching the wiſdom of the Legiſlature in a very ſummary way, as it was ſaying in effect—We know the act of Parliament ſays ſo and ſo; but this alſo we know, that the proviſion is uſeleſs and unneceſſary. At the ſame time they order that complaints, which they limit, be admitted, theſe are directed to originate only with the Nabob himſelf, or ſuch of his other creditors as by this arrangement may deem themſelves injured. Theſe were ſubſtantial reaſons in abundance, which would always render the Nabob's complaints ſufficiently accommodating, not to create any alarm or uneaſineſs whatever; but the creditor which was moſt injured, and which had actually preferred her complaint, was the Eaſt-India Company. Her caſe was well known to the Public, and eſpecially to every individual who had made her affairs any
object

object of his attention; and he virtually barred the claim of theſe debts, even ſuppoſing it valid.

This was the purport of the motion, to impreſs the Houſe with the abſurdity and injuſtice of the preference which had been given to private, where public intereſt was ſo notorious and urgent. He then ſtated the conſequences of this falſe ſtep; it went to an implicit acquieſcence with all the fraudulent conduct which had brought ſo much diſgrace upon this country in that part of the world: he would not impute any bad intention to the gentlemen of the Board; but the deciſion which, on this very preſſing matter, had been come into, filled him with aſtoniſhment and concern: he knew not how to account for it; but it would undoubtedly be conſidered abroad as encouraging and patroniſing all thoſe mal-practices and peculations for which the ſervants of the Company have been ſo much blamed. It did not adopt the maxim in ſo many words, but, however, indulged the principle: it would prove the truth of his obſervations by its future operations, as it would furniſh a precedent to men of a certain deſcription, which would have all the force of a ſtatute, and which it would not be very eaſy for any Board of Direction or Control henceforth to diſpute. Such, he ſaid, were the conſequences which this inauſpicious meaſure, both for India and Great Britain, ſeemed calculated to effect; it therefore ſeemed, in his mind, a very proper ſubject for the interference of the Houſe; it was an inſtance which plainly ſhewed how wiſely the power of cognizance was lodged by the Conſtitution in the Houſe of Commons.

Concerning that part which reſpected the crop of 1775, it was evident that the Rajah of Tanjore paid the Nabob of Arcot the arrears and the tribute, with the intereſt due thereon; but it was a matter of juſtice, that the man who ſowed ſhould reap, or that he ſhould have the profits of his own harveſt. The right honourable gentleman then entered again on the firſt topic of his argument, and added a farther obſervation on the debts of the Nabob of Arcot. He ſaid, that the faction, though ſometimes ſupported by the Directors, and ſometimes by the Proprietors, yet ſtill kept up their friendſhip for him; perhaps it might be then fear of him, or of the ſervants in India; for it was clearly evident, that the orders of the Company were never enforced, and that the culprits were not brought to juſtice, even by the moſt factious of the Proprietors, or the moſt daring of the Directors; nor did they attempt to have any legal authority

whatſoever, under which it was their duty to act. The Board of Control was now ſuſpected, and there were certain papers in the poſſeſſion of His Majeſty's Miniſters, which could either bring home the criminality, or exculpate thoſe ſuſpected perſons. The point thus lying between the Directors and the Board, it was certainly become an eaſy matter for Government to prove to the Houſe whether thoſe charges were founded in falſehood or in truth, and whether the ſpirit of the act of Parliament had been attended to, and its letter obeyed. It was in fact the only mode by which the Legiſlature could arrive at an authenticated information, whether thoſe into whoſe hands they had given the buſineſs of India had betrayed their truſt or not. It was the duty of the Houſe to watch thoſe ſervants whom they had employed, and to judge of the meaſures which were adopted by the fruit they produced, as it was evident that nothing but the moſt effectual and coercive acts would tend to do any ſervice in India. The gentlemen in adminiſtration knew this to be the fact, and they confeſſed it when their bill was brought into Parliament. He begged, therefore, of the right honourable gentleman (Mr. Dundas) to come forward and defend his meaſures, on producing the papers called for. But he truſted that, as the ſubject was a matter of conſequence to the kingdom, he ſhould not be anſwered by invective, and told, "that which you have done is worſe than what we have "done." He requeſted the Houſe to conſider, that if his bill had any merit, which could not be controverted even by ſophiſtry itſelf, it was the merit of making the Houſe judges in all caſes, and hiding no tranſaction whatever from the view of the Public: this undoubtedly was, and in the end it would be found ſo, the only way of truly governing the people of India. Darkneſs was the ſhelter under which all the iniquities of the ſervants of the Company were hid; and to make viſible the conduct was the true method of correcting their vices, and doing juſtice to the Public. A detail of India buſineſs, it was true, came but with a bad proſpect of attention at preſent. Men's minds were taken up on much more important ſubjects. Their deareſt intereſts, their moſt valuable privileges were now at ſtake, and engroſſed their principal thoughts; but ſtill it muſt be recollected, that India, though removed at a great diſtance, yet, in its preſent ſtate, and from the late alarming accounts of the ſyſtem of plunder, peculation, and reſiſtance to legiſlative authority continuing, it became requiſite to ſtate the caſe to Parliament,

liament, and to call their attention to a matter of importance. If the papers, which he should call for, were produced, he pledged himself not to shrink from the inquiry; and that he would so far do justice to the Public, to the Directors, to the Board of Control, to His Majesty's Ministers, and to the servants of the Company, as to obtain from the House a decision which should either exculpate or criminate. Should it prove an acquittal, then all the glory, and let them have it, would be to the framers of the late bill; and surely if the inquiry was not dreaded, the motion he intended to make would be acceded to. There was a large arrear of authentic intelligence due to the House, and the Public looked for it; they looked for it, because a kind of jealousy arose on account of the many eager, warm, anxious, and zealous supporters of the servants of the Company in India, who sat in Parliament. But this phalanx did not de-[illegible]r him, nor was he afraid of the present House of Com-[illegible]. Five hundred and fifty-eight gentlemen would not [illegible] reason, nor shut their eyes and their ears to truth. [illegible] listen to the voice of truth; they had done so on [illegible]tion, and he had no fears for their determination [illegible]. However partial they might be to the gene-[illegible] of the Minister, yet, on particular occasions, would not fail to recollect that they were the representa[illegible]es of the People. He [illegible]gain repeated his intreaties that [illegible] would open their minds, [illegible]udge by the merits of the [illegible] therefore not [illegible] withhold that information from the House, which it was so very [illegible] the House should have. There [illegible] between the publi[illegible] revenue of this country and the India [illegible]ompany, which bound us in such a manner to pay their debts, that common honesty required Ministers not to deny those papers, which were necessary to prove what had been done in consequence of the act passed in the last session of Parliament. He begged that the House would look to the debt of two millions and a half, due to the Bombay Presidency, which at present was not put into any mode of payment, and the bonds in consequence were so reduced, that they sold at 60l. per cent. discount; districts indeed had been given as security, but those districts, by the hand of power, were taken away, and the claim of a number of suspicious private creditors were preferred to the public debt, against which there was not any proof whatsoever, nor even the smallest idea of fraud; this surely was a most serious object of inquiry; and it was a matter which he wished

wished the whole Court of Directors to hear. The Chairman, he observed, was behind him, and it made him happy to find him there, because he could give his opinion whether he thought this new Board of Control had acted with fidelity or not, to that trust which the House had so confidentially committed to their care. Matters of accounts could not be made too public; and this was an aphorism well known to the House. There were two purposes to which his motion tended, and he wished the House to consider them well — The crimination of the Board of Control, or an amendment of the act of Parliament. He then moved,

"That the proper officer do lay before the House all copies and extracts of letters and orders from the Court of Directors to the Company's servants in India, in pursuance of the injunctions contained in the 37th and 38th clauses of the act passed in the last session of Parliament, for the better regulation of India."

Mr. Francis.

Mr. *Francis* said, he rose to second the motion, but that it was neither safe nor necessary for him to travel over the ground taken by Mr. Fox; the observations, therefore, that were left to him, were not likely to take up much time. The first object that presented itself in this business was not, he said, the transaction itself, nor the merits of the disputes between the Directors and the Commissioners, as the distribution of power, which was the source of the dispute, laid the foundation of others without end. He reminded the House, that he had foretold the consequence of dividing the power of the Company between two Boards, but said, it did not require any extraordinary talent at prediction, to foretel the consequences of such an institution. The common effect of clashing powers were opposition and counteraction; thus they saw as soon as the Directors had begun to act, the Commissioners counteracted; and action on the part of the Directors produced counteraction on that of the Commissioners; the consequence was, orders had been at last sent to India, signed with the names of twenty-four men, whose sentiments were known to be directly the reverse; what could such a circumstance produce but contempt and disobedience abroad? What Mr. Fox had slightly touched upon, Mr. Francis said, he considered as of very great importance, and that was the matter of fact that the two points in question were specially and exclusively referred to the Court of Directors by the 37th and 38th clauses of the act. They were, he observed, questions of right and property, not matters

matters of revenue, or civil or military government. The Commissioners had no jurisdiction over them, neither concurrent nor appellant, but had assumed a power against law, which they had exercised against justice. Admitting, however, that an appeal would have lain, no appellant jurisdiction, Mr. Francis said, could act, until an appeal was made to them from one of the parties. Whereas the Commissioners have acted as if the original jurisdiction was in them, and as if the Court of Directors had none at all. Having made this remark, he declared he would come directly to the point, as he did not mean to discuss the whole merit of the transaction, but merely to state enough of it to shew its importance, and to engage the House to call for the papers. With regard to the debt of 1767, he would pass that by, and confine himself to the cavalry loan, and to the debt of 1777; these debts were, he said, at least of a questionable nature. Parliament, the Court of Directors, and the Commissioners, were all agreed in saying, that they were so; yet they have been all passed without any question at all, in other words, a very questionable debt of near two millions and a half had been ordered to be paid with as much facility and indulgence as if it were a perfect one. Indeed the debt was much worse than questionable; it was suspicious and fraudulent, and it had been repeatedly stamped with the worst interpretations. The Commissioners of Control themselves, in their letter to the Directors, of the 15th of October last, say, "The debts of 1777 do not certainly stand in "the same light. They were contracted without any authority from the Company; were consolidated in no respect under their sanction, and have never been recognised "by them." The Directors, in their letter of April 17, 1778, say, "It is our express command that you immediately and utterly disavow, on the part of the Company, "all and every security which may have been given to "Messrs. Taylor, &c. The loan, if actually made, was a "direct breach of our orders." Sir Thomas Rumbold, in his letter to the Directors, dated Fort St. George, March 15, 1778, speaking of cavalry loan, says, "Whether "it was applied to so good a purpose or not, I cannot say."

"How shall I paint to you my astonishment when I was "informed, that, independent of these four lacks of pagodas, independent of the Nabob's debt to his old creditors, and the money due to the Company, he had contracted a debt to the enormous amount of sixty-three

" lacks of pagodas. I mention this circumstance to you
" with horror. It is, in my mind, the most venal of all
" proceedings, to give the Company's protection to debts
" that cannot bear the light."

The Nabob also, Mr. Francis said, in his letter to Sir Thomas Rumbold, dated the 24th of March, 1779, had these words: —

" Two years are nearly expired since that time, but Mr.
" Taylor has not yet entirely discharged the arrears of those
" troops, and I am obliged to continue their pay from that
" time till this."

Exclusive of these comments on the cavalry loan, and that of 1777, Mr. Francis observed, that Mr. Hastings had ordered twenty-five per cent. to be cut off from the transferable debts, and no interest to be paid on the principal. The authority of Mr. Hastings was, he said, of great weight in the scale against the creditors, since it was not likely that he would offend them if the case were not gross and flagrant. It had not been his policy to offend individuals for the sake of the Public. But Parliament, it was plain, supposed an inquiry into the debts of the Nabob necessary, and accordingly they ordered the Court of Directors to take into their consideration the origin and justice of the said demands. On the principles there laid down by Parliament, the Directors had proceeded and given proper orders. The Commissioners opposed their opinions, not only to the Directors, but to the authority of Parliament itself, and had ordered the whole of the debts, the doubtful and fraudulent, as well as the good debts, to be peremptorily paid without inquiry. This was, he said, an assumption of discretional power, that they were not legally invested with, and if they had been so, they would have made a wrong use of it. Here Mr. Francis introduced several short remarks on the nature of such a stretch of authority; he ascribed it to ostentation and want of modesty, observing *quædam causæ modestiam desiderant*. He also fairly told the other side of the House, that their personal characters were more endangered than they perhaps imagined, for that rumours were abroad, that there was a collusion between the Board of Control and the creditors of the Nabob: he said a few words on the bad consequence of affording cause for the circulation of any such rumours, and at length he returned to the consideration of the act of the last session, which he said he considered as the source of the matter of complaint made the

subject

ſubject of the debate. His principal objection to the act, he ſtated to be, that it introduced new principles into the law and Conſtitution of England. That, for the trial of offences committed in India, a High Commiſſion Court was eſtabliſhed, without the intervention of a jury; and now, another principle, foreign to the ſpirit of the Engliſh laws and juriſprudence, that a tribunal may exiſt, (for the trial of a mere queſtion of property between party and party, a mere matter of debt and credit) in which the trial ſhall proceed, and the award be given *januis clauſis* was introduced. He added, that principles and innovations, ſuch as theſe, ſhould have been reſiſted at their outſet, and not ſuffered to gain ground; that he would not give ſuch principles a point to ſtand on, leſt, having once gained a footing, they might gradually gather ſtrength, and on that footing, and with that ſtrength, might ſooner or later ſhake our whole political eſtabliſhment to the ground.

Mr. *Dundas* ſaid, ſtanding in the particular ſituation in which he had the honour to ſtand, the Houſe, he preſumed, would naturally expect to hear ſomething from him. The right honourable gentleman had ſtated, that he moved for the papers in queſtion with a direct view to crimination; ſuch a view, he was ready to admit, was a very good parliamentary ground for any motion of the kind; but when he admitted thus much, he muſt alſo obſerve, that it was incumbent on the right honourable gentleman to ſhew, in a manner ſatiſfactory to the Houſe, that there was a cauſe for crimination, and to ſtate the facts that led him to form that judgement, ſo as to induce the Houſe to go along with him in opinion, and to order the papers now called for. The Houſe had heard the right honourable gentleman's argument, and they had obſerved on what aſſertions he reſted his charge; he would endeavour to go through the principal of thoſe aſſertions, and as he proceeded he would accompany them with obſervations tending either to refute or to explain every one of them. When he ſhould have concluded what he had to ſay, the Houſe would be in poſſeſſion both of the charge and the reply to that charge, and it would then be in their power to decide how far the charge was founded, and how far the Board of Control was criminal or not. He begged, therefore, to be underſtood as riſing to aſk no favour of any man; he deſired to be watched with an eye of jealouſy; he knew he ſpoke in the hearing of ſome who might be prejudiced; he expected little candour from many, but he had a right to de- Mr. Dundas

mand juſtice from all. When the act was in agitation laſt year, Mr. Dundas reminded the Houſe, the Board of Controul had been complained of as an inſtitution at once frivolous and feeble, nugatory and uſeleſs. It had been abuſed in the groſſeſt manner, and, among other things, it had been ſaid, that the Commiſſioners would be wholly ſubſervient to the Court of Directors; that they would act under them, and be, as it were, a ſhield to their ill conduct and their criminality. As the language held that day had been of a very different complexion, and as the Board had been abuſed, not for ſubſerviency to the Court of Directors, but for holding a conduct directly the reverſe, he hoped they ſhould not again hear any attacks urged on the ſame ground as had formerly been taken. Though the ground of attack, however, had been changed, the ſeverity of the abuſe was not ſlackened. Laſt year the Board was accuſed with being likely to take the part of the Court of Directors, and ſcreen them in their concealment of delinquents, but now the accuſation was extended all the length of India, and the right honourable gentleman had thought proper to impute to the Board of Controul a direct deſign to encourage and promote peculation and corruption in the Company's ſervants abroad. How far they had acted in a manner liable to any ſuch imputation, it would be for the Houſe to judge, after they ſhould have heard the manner in which they had acted, and had heard the motives that induced them to adopt the line of conduct that they had adopted. After an exordium to this purport, Mr. Dundas proceeded to examine and to controvert the different poſitions laid down by Mr. Fox. In referring to the ſeveral bills that had been brought in on the ſubject of eſtabliſhing a new ſyſtem of Government for India, the right honourable gentleman, he ſaid, had truly ſtated, that in every one of them the ſame deſire to liquidate the debts of the Nabob of Arcot was manifeſted, though not in each of the three bills preciſely in the ſame terms, but, in quoting the bills, the right honourable gentleman had ſhewn that he poſſeſſed, to uſe an expreſſion of his own, a memory more convenient than correct. Mr. Dundas here read a clauſe from his own bill in juſtification of this aſſertion. He next reaſoned upon the words of the 37th clauſe of the act of the laſt year, in proof that the Board had not exceeded its powers, but had acted ſtrictly within the meaning of the ſtatute. He ſaid, the Court of Directors were commanded to take into their conſideration the origin and juſtice of the demands upon the

Nabob

Nabob of Arcot, as far as the materials they are in poffeffion of fhall enable them fo to do. The clear conftruction of which was, that they were to proceed forthwith to confider fuch demands as the materials in their poffeffion enabled them to confider. This they had done, and no more. The letters and correfpondence in the Company's books at the India Houfe, and a variety of other data, afforded as full information upon the fubject of the debt of 1767, of the cavalry debt, and of the confolidated debt of 1777, as the Court of Directors could expect to receive; and the arrangement that the Board of Controul had ordered, was that which appeard to them to be the arrangement of all others the moft fair and juft to all the parties. With regard to the invalidity of the different debts, he would enter into fome difcuffion. The debt of 1767 was incurred by this means, the Nabob being in debt to the Company, and in the greateft diftrefs, publicly advertifed to borrow money at a high intereft; the confequence was, a confiderable deal of money was lent him, fome at thirty, thirty-five, and thirty-fix per cent. intereft, and by way of fecurity, the Nabob gave the lenders affignments upon his territorial revenues; it appearing afterwards that the lenders were chiefly Britifh fubjects, an order was fent out by the Court of Directors to lower all the intereft to ten per cent. This was, at the time, greatly complained of by fome of the Nabob's creditors, ftating, that they themfelves had borrowed the money they lent to the Nabob at a much higher intereft than ten per cent. The order however was put in force, and the intereft reduced to ten per cent. The whole of the money raifed by this loan of 1767, Mr. Dundas faid, was paid immediately into the Company's treafury, and the loan at the time recognifed and admitted by the Company. There could, therefore, be no fufpicion entertained about the validity of that debt. Having ftated all the particulars of the debt of 1767, Mr. Dundas proceeded to explain the cavalry debt, which was not a loan, he faid, to furnifh the Nabob with cavalry, as fome gentlemen imagined, but in fact a loan had been advanced, if he might fo fay it, to unfurnifh him. This he illuftrated by ftating, that the wife policy of this country had ever looked with a jealous eye on the military force in the Carnatic, and had always made it a rule, that the European troops fhould be fuperior to the troops of any of the native princes. In confequence of this fyftem, the Britifh Government at Madras caufed it to be fuggefted to the Nabob, that his army

was too large, and advised him to disband four hundred of his cavalry. The Nabob declared, he should not object to the proposal, were it not, that he was so poor, that he had not wherewithal to pay them, that they were then above a year in arrear, and were extremely mutinous, having confined their officers on account of their not being paid.

The British Government, he said, though it advised the disbanding of the cavalry, would not lend the money necessary to enable the Nabob to carry the measure into execution, but some individual in the country offered to advance the sum wanted, provided the East India Company would be the Nabob's security. To this at length the Company acceded, and agreed to guarantee the debt to the creditors. This matter, Mr. Dundas said, had been canvassed again and again, and some of the ablest lawyers had given it as their opinion, that so committed were the Company upon it, that an action at common law would lie against them for the debt; there could be no doubt, therefore, that the Court of Directors were as fully informed respecting the cavalry debt as they could possibly be. He next proceeded to discuss the nature of the last debt, viz. the consolidated debt of 1777, which he admitted was not all of it equally free from suspicion with the debt of 1767, and the cavalry debt, but then he desired the House in general, and particularly the Directors of the East-India Company, to advert to the arrangement of the Board of Control, in order to observe that they had done nothing more than allowed the creditors of 1767 to make their claims, which claims, so made, were to be subject to the objection, first, of the Nabob of Arcot, to that of the Company, and to that of the creditors in general. And if any one claim was opposed by either of the three, the objection was to be sent home, and the answer to it, for the consideration and decision of the Court of Directors and the Board of Control. Mr. Dundas reasoned upon this for some time. He said, if such a requisition had not been adopted, he should have conceived the Board would have acted very imprudently. Had they left the creditors of 1767 wholly unprotected, they would naturally have thrown themselves upon the protection of the Nabob of Arcot, and would, he verily believed, have been the first order of creditors paid, instead of the last. He also said, that would have frustrated all the purposes of the clause in the act of Parliament, by leaving the Nabob an opportunity to plead in excuse for not keeping his payments to the Company, that he was harassed by the applications of

his

his private creditors. Another reaſon adduced by him, in juſtification of the Board of Control was, that the Nabob was not the moſt likely to be the perſon who would oppoſe any of the claims of the creditors of 1767, but if any method were likely to induce him to oppoſe any of them, it was the putting them upon the footing, upon which the arrangement placed them. He took notice of Mr. Fox's charge againſt the Board, and ſaid, they had ſeen a gentleman, a member of that Houſe, an agent for a conſiderable number of the year 1777 creditors, and another gentleman, a member of the laſt Parliament, General Smith, with whom they had diſcuſſed the ſubject, and the latter had produced an authentic regiſter of the debts. He ſaid farther, if the Board of Control had damned their conſciences, if they had been guilty of peculation and corruption, it was to oblige General Smith, a circumſtance of which he did not believe they ſhould be greatly ſuſpected. He declared he ſincerely wiſhed the General had been a member of that Houſe, as he ſhould have received, that day, a good deal of material information on the ſubject of the debts. He ſaid, he was glad to ſee an honourable Baronet preſent (Sir Thomas Rumbold) as he hoped he would agree in all that he had ſaid, relative to the debts. He took notice of Mr. Francis's having read a quotation from a letter written by Sir Thomas to the Court of Directors, and charged him with having read only juſt as much as would ſerve his own argument, while he omitted a material part of the ſentence, which he read to the Houſe. He deſcribed Sir Thomas's conduct in India, relative to the debts of 1777, declaring that he had ſat about an inquiry into the nature of the debts, and into their origin and juſtice, the moment he arrived at Madras, which he cauſed to be proſecuted with every poſſible alacrity the two firſt years he was there, but the third wrote home to recommend the creditors to the care of the Company. He commented on this for a few ſeconds, but declared he acquitted Sir Thomas of every undue or unworthy motive for his conduct, which certainly appeared a little extraordinary. After having gone through the hiſtory of the debts, and expatiated upon the origin of each, contending that the greater part of them had been already ſo far recognized by the Company, in repeated orders and proceedings, that they could not with any ſort of juſtice be now queſtioned, and after enforcing his opinion that the ſuffering the creditors of 1777 to make their claims under the limitations preſcribed, was the moſt probable mode of leading to a

diſcovery

discovery of such of those claims as were not valid and justifiable, he proceeded to take notice of Mr. Fox's having said that the Board of Control knew that the revenue of the Carnatic did not amount to more than twenty lacks of pogodas. So far from knowing this, he said, he knew the direct contrary. He knew that the revenue might with safety be stated at thirty lacks of pagodas, and the confidence he felt on that point, grew out of the best authority that could inspire confidence, viz. the information of Lord Macartney, who had been truly described as the best servant the Company ever sent to India. Lord Macartney had the management and collection of the revenue, and he had collected in one year, upon letting out a part only of the Carnatic, twenty six lacks of pagodas. That year [illegible] the first year after the conclusion of the war, and consequently there was every reason to expect that the produce would be larger in proportion as the country [illegible] blessings of peace, and arts and agriculture flourish [illegible] were there [illegible] six lacks the whole of the [illegible] to be [illegible] the past year; in India, as in [illegible] considerable sums were paid upon granting leases by way of [illegible] the [illegible]. Taking, therefore, the [illegible] to the [illegible], as well as the revenue of the other remaining [illegible] of the Carnatic, it was surely running no risque of a [illegible], to estimate the revenue at four lacks more, which would complete the thirty lacks. He next stated what length of time it would take to pay off the several debts, and treated Mr. Francis's declaration, that rumours were abroad that there was a collusion between the Board of Control and the creditors of 1777, with some degree of ridicule. He said, it was not the first time his conduct had been misrepresented. It had been said, just with the same degree of truth, that he had received a very large sum of money from an honourable Baronet, on a particular occasion; as in like manner did there now exist a collusion between the Board of Control and the creditors in India. He had slept perfectly quiet and serene under the former charge, and he trusted he should preserve his temper equally unruffled under the present accusation. Having gone greatly at large into all the arguments of Mr. Fox and Mr. Francis, on the first head of the motion, he said there was another matter, to which he must still farther solicit their attention, and that was to the next clause in the bill, that relating to the settling upon a permanent foundation the indeterminate rights and pretensions of the Nabob of Arcot, and the Rajah of Tanjore.

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With regard to the fort of Arnée, that had not been laid any great ftrefs upon, and therefore he fhould forbear going much into length refpecting it; but with regard to Hanamanticoote, that he fhould contend, that the Board of Control had done nothing more with, than left it where it was at the time of the treaty of 1762. In order to prove this, he went into a detail of the geographical fituation of Hanamanticoote, which he ftated to be a territory in the Marava country, and to have often changed its mafter, having been originally in the poffeffion of the Nabob of Arcot, and fince that alternately in the hands of the infurgents in the Marava country, and in the hands of the Rajah of Tanjore. Hanamanticoote having however been actually in the hands of the old Nabob of Arcot in 1762, the Board had ordered it to be put into the hands of the Nabob again, in conformity to the exprefs directions of the claufe of the act of Parliament. In the courfe of his fpeech, Mr. Dundas took notice of Mr. Fox having fpoken in terms of encomium of the Directors, for the conduct they had held, refpecting the objects of the motion, and advifed them not to be gulled by the flattery of the day. For his part, he declared, he would not praife them one day, and condemn them another, or dance them about like a parcel of puppets, merely as the humour of the moment dictated. He fcouted the idea, that the Board of Control were not to exercife their fuperintending powers, whenever they faw occafion, and as well refpecting the 37th and 38th claufes of the act, as any other. If they were not, they could not act upon the next claufe, that relative to the Polygars, Zemindars, &c. which would be to confefs themfelves as ufelefs a Board, as they had been ftated to be laft year, by thofe whofe intereft and whofe wifh it was to depreciate the inftitution, and both to defcribe and render them as inefficacious and nugatory a Board as poffible. At length he fummed up all his arguments, and faid, if the Houfe thought, after all they had heard, that the Board had acted criminally, they ought not to let them continue a moment longer in their fituations; he added, that he would not fcruple to fay, that if they had not hitherto ferved the public diligently, faithfully, and confcientioufly, there was not the fmalleft probability that they would do fo in future; let the Houfe therefore decide how they would. With regard to the papers now moved for, he faid, he was of opinion they ought not to be produced, becaufe he could not be brought to admit that no danger could arife to the interefts of the country for laying papers upon

upon the table of either House of Parliament that were already in print. Great danger might result from the practice; nay, he would go farther, no good ever was produced by such discussions as that of the day, a discussion that he had been forced into by the right honourable gentleman's zeal for having matter, affecting the politics of the times, made public. * He hinted to Mr. Fox, that going into a detail of the revenue of the Carnatic, the situation, &c. of Hanamanticoote, and several other topics unavoidably touched upon in the course of the conversation, were not matters that it was wise to treat upon in a popular assembly. He said farther, that if we wished to have a permanent government of India, the way to procure such a government was not by the House's interfering idly and lightly with the executive power, in whose hands the Legislature had placed the conduct of the Government; neither was it by intimating to the persons in high situations in India, and to the native Princes, that the British Parliament was so fluctuating and unstable in its proceedings, that the Government it set up one day, it wished, without any good reason, to pull down the next, and that there was an extreme probability that the orders received by those in India, in whose hands the government there was lodged, by one ship, would be contradicted by orders of a different tendency, that would arrive in another, and that there was no prospect of stability and firmness. He cautioned the House against suddenly, and without good cause, imbibing sentiments of doubt and distrust, against a Board they had so lately instituted, and opposed the characters and stake of the present Commissioners, against the designs and interested views of men, known to be on the watch, to thrust them from their situations, declaring that the latter cared not by what means they got into them, while those at present in office had their reputation, their political existence, and their future prospects pledged with the Public, as securities for their integrity and good intentions. Mr. Dundas sat down, declaring he should give his negative to the motion.

Mr. Smith.

Mr. *Smith* (Chairman of the India Company) rose next, and shortly stated his reasons for differing with the learned gentleman who spoke last, and the Board of Control, in the manner in which the liquidation of the debts were settled.

Sir T. Rumbold.

Sir *T. Rumbold* entered into a short history of the manner in which the debts were contracted, which were by no means the most honourable; and the new debt was contracted chiefly in

in the expedition against the Rajah of Tanjore, and during the removal of Lord Pigot; for in the year 1773, the Nabob owed only ten lacks. The honourable Baronet read a letter, which he received whilst at Madras, from the creditors of the Nabob, in which they stated, that they did not expect to have an equal participation with the Company, in the liquidation of the debt; but were content to be thought of second, in the adjustment of those debts. He condemned the measures taken by the Board of Control, as they were diametrically opposite to the power vested in them by the act; therefore, he was for having the papers to make it clear and satisfactory to the House.

Mr. *Burke* entered very fully into the crimes, &c. of the Company's servants in India; and insisted, that the whole of the learned gentleman's defence was nothing more than the varnish of deception; that the new Board had begun their measures in imbecility, and would end them in ruin. He read a variety of extracts from different India papers, and from a late pamphlet, published by Debrett; he also read a letter from the Nabob of Arcot to the Court of Directors, wherein he stated that their servants in India, without large salaries, and carrying on no trade, in a few years enriched themselves, contrary to the interest of the Company, and at his expence, by fraud, plunder, and rapine, and then retired to England with their wages of iniquity. The right honourable gentleman reprobated the conduct of the new Board of Control in strong and forcible terms. Mr. Burke.

When he sat down, several members were rising to speak; but it being one o'clock, and the question being loudly called for, the House divided,

Noes - - - -	164
Ayes - - - -	69
Majority against the papers -	95

March 3.

On the motion of Mr. Chancellor Pitt it was agreed, that for one week there should be no ballot for election committees.

Mr. Chancellor *Pitt* said, that anxious as he was that they should proceed in settling the commercial intercourse between the two kingdoms, he would not press it forward with indiscreet haste. At that moment he was unapprized of any ap- Mr. Chancellor Pitt.

plication that was intended to be made from any quarter to be heard by counſel at the bar, or to produce any evidence, that might ſtate to the Houſe facts and circumſtances, which had relation to the ſyſtem, an outline of which he had the honour to open to them on Tueſday ſe'nnight; he ſhould therefore name ſome day in the next week for the Committee to ſit again, for the purpoſe of receiviug information, examining witneſſes, or hearing counſel, ſhould any be offered; and when that day came, if no application ſhould be made to deſire that counſel might be heard, or witneſſes examined, it was his intention to propoſe ſome reſolution upon the buſineſs. He concluded with moving, "That the Committee of the "whole Houſe do ſit again next Tueſday."

Sir W. Cunynghame.

Sir *William Cunynghame* ſaid, if he underſtood the right honourable gentleman correctly, he meant, if no application ſhould be made to the Houſe to be heard by Counſel, or to produce evidence at the bar, on or before Tueſday, on that day to propoſe to the Committee ſome deciſive vote on the important buſineſs of Ireland. [Mr. Pitt nodded aſſent.] Sir William ſaid, he hoped the right honourable gentleman would alter his intention, and give the Houſe more time, in order that gentlemen, whoſe intereſts would be very materially affected by the ten Reſolutions he had read to the Houſe on Tueſday ſe'nnight, and whoſe reſidence was at a diſtant part of the kingdom, might have time to conſider the ſubject, and come to ſuch reſolutions, and prepare ſuch evidence, as they ſhould think proper to lay before the Houſe. The Reſolutions agreed to by the Iriſh Parliament, if made the baſis of the intended ſyſtem of intercourſe, would affect Scotland in a much greater degree than might be imagined. He ſpoke as a country gentleman, repreſenting perſons of that deſcription, and he would ſtate to the Houſe an article, which would be ſo exceedingly affected, as to endanger the ruin of the landed intereſt of Scotland, and that was the article of grain. If the Reſolutions were agreed to, as they ſtood at preſent, the Iriſh would import grain into the weſtern ports of Scotland, and greatly underſell the Scotch farmers; the conſequence of which would be, the latter would not be able to pay their rents, and thus the land-owner would be ruined. Sir William ſtated the nature of the laws, which govern the export and import of corn into Scotland, and ſhewed, that while under thoſe laws, the ports on one ſide of the kingdom might be ſhut, the Iriſh might be pouring in their corn through the ports

ports on the other. For the sake, therefore, of the landed interest, he wished the right honourable Chancellor of the Exchequer would not hurry the business, but recollect that land-owners were not accustomed to so much celerity and dispatch, as merchants and men of business. Another subject that would be materially affected by the Resolutions, was the fisheries of Scotland; he said, he lamented that the father of the fisheries was in another place. That gentleman, and every body knew who he meant by the title he had given him, would, had he been present, had it in his power to give the House much better information on the subject, than he could; but undoubtedly the fisheries of Scotland would be greatly injured, perhaps entirely ruined, by the Irish being let into a free participation of them. Sir William said, he did not see the member for Glasgow in his place, but to his knowledge that honourable gentleman had a petition to present from the Chamber of Commerce of Glasgow, who were greatly alarmed at the Resolutions, a circumstance that the honourable and learned gentleman who sat next the Chancellor of the Exchequer might be apprized of. He had also himself, Sir William declared, received a great number of letters from Scotland, stating that meetings were to be held for the purpose of considering and determining what were the steps most proper to be taken to avert so great an evil; on all these accounts, therefore, he hoped the right honourable gentleman would name a more distant day than Tuesday.

Mr. *Dundas* said, there was no fear that sufficient care would not be taken to let the gentlemen of Scotland know of the nature of the Resolutions that were upon the table, and he believed, the gentlemen of that country were not remarkable for inattention to their own interest. But if a petition from Glasgow had actually been received by the member for Glasgow, it was pretty evident that the people of Scotland were already apprized of the subject, and had found time to take measures upon it. Indeed, he said, he held in his hand a pretty strong proof, that it was not likely for the Scotch to be any strangers to what had been done upon the affairs of Ireland in that House, for the printed paper which he then held, part of which was printed in large letters, and part of it in small, he received from Edinburgh two posts ago. That paper had been, he found, circulated with great industry through every corner of the kingdom; and infinite pains had been taken to mislead and inflame the Public, by misrepresenting the true features of the Propositions, with regard to Mr. Dundas.

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the intended plan of connection between this country and Ireland.

Sir W Cuninghame. Sir *William Cunynghame* said, let the paper the learned gentleman held, contain either representation or misrepresentation, he had no hand in that or any other publication on the subject. Whenever he wrote any thing, he always signed his name to it.

Mr Gascoyne. Mr. *Gascoyne*, jun. said, he had a petition to present from his constituents of Liverpool on the subject in debate, a subject that he conceived to be of so much importance to the commercial interests of the country, that it ought to be discussed with the utmost temper and candour. He was sorry, therefore, to see it taken up with no inconsiderable degree of warmth. He thought it his duty to write to his constituents a full account of what had passed upon a subject so interesting to them on the evening of the day on which the Chancellor of the Exchequer had first opened it to the House. In consequence of having so done, the merchants of Liverpool had met last Sunday, discussed the propositions, and drawn up a petition to the House, which they had transmitted to him to present. That was not, he knew, the proper time to state the nature of it, but when the debate on the question before the House was over, he would move, that the petition might be brought up. His constituents had not instructed him to say, that they wished to be heard by counsel upon it, but they might possibly furnish him with another petition for that purpose. He thought it right to say, however, that he had written to them, to depute a few of their body, best informed on the subject, to come to town and assist him, how to act in a matter, in which they must necessarily be so much more conversant than himself. When they arrived, if they desired to be heard at the bar, he should move the House for that purpose. In the mean time, he hoped the Chancellor of the Exchequer would not push the business on too suddenly; but, when he said so, he wished not to be understood to speak as an advocate for delay; he was always for a due regard to dispatch, and on the present occasion he meant only to be considered as desiring sufficient time for proper inquiry and discussion.

Mr Fox. Mr. *Fox* rose to declare, that should it happen that there should be an application to be heard by Counsel, or to offer evidence of facts at the bar, he for one should object to the right honourable gentleman's pressing the House to come to any vote respecting the propositions that had been laid upon

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the table, as resolutions voted by the Irish Parliament; nor should he object to such a motion only on Tuesday next, but on that day week, or even that day month, should they not have by that time heard something more of what had been done upon the subject by the Parliament of Ireland. Circumstanced as they were, it was impossible to proceed to vote any Proposition whatever, before they knew the whole that the Parliament of Ireland did upon the subject, without getting into a situation the most extraordinary that ever Parliament put a country into. He begged gentlemen most seriously to revolve in their minds the very singular predicament in which the Parliament of England and the Parliament of Ireland would stand, should that House either on Tuesday next, or on any subsequent day, come to a decisive vote upon the subject without previously knowing what was the ultimatum of the Parliament of Ireland. The right honourable gentleman had stated it as the great good of his system, and as matter of reproach to the noble Lord in the blue ribband, and to him and to such other persons as had ever proposed any thing to be done for Ireland, that they had not taken care to obtain a return on the part of Ireland for what this country granted her. Now, as matters stood, the House was ignorant what that return, what that something, what that *quid pro quo* was? By slight conjecture only had he any idea what it was, and his conjecture was grounded upon the Resolution of the Parliament of Ireland, which Mr. Ord had proposed on the Monday, subsequent to the vote of the former ten Resolutions on the Friday. He supposed, therefore, that it was that Resolution that was to be the return; but till the House knew it, they could not vote a decisive resolution of their own without precipitating themselves into a dilemma. The situation of the two countries would then be this: on the journals of the Parliament of England, and on the journals of the Parliament of Ireland, would stand Resolutions criminating each other. When he, on a former occasion, reprobated the business being first opened in Ireland, as a matter equally indecent and inconvenient, and as a matter that would be attended with serious ill consequences, he had been answered by its being said, that if the Parliament of England had first voted Resolutions, and the Parliament of Ireland should refuse to agree to them, it would be a circumstance disgraceful to this country, and perfectly nugatory. Now this very disgrace would the House incur, should it proceed to a vote, before the Parliament of Ireland had come

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to its ultimatum. It would be liable also to all the other inconveniences that he had himself stated. Mr. Fox repeated his determination to oppose any attempt to press the House to a vote upon the subject, so early as Tuesday, desiring gentlemen to hold it in their minds, that they would have done nothing but sown the seeds of future ill blood between the two countries, should they vote a resolution, before they were informed of the last and ultimate determination of Ireland.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* rose as soon as Mr. Fox had sat down, and declared that it was highly necessary he should say a few words in order to remove the mischievous impression, which the right honourable gentleman had taken so much pains to make on the minds of all who heard him. What the right honourable gentleman had said that day, was another proof of the wish there was to prematurely bring forward a general discussion of the subject, to mislead the Public respecting it; for the whole of the right honourable gentleman's speech had been either a misstatement of facts, or directly contradictory to all the right honourable gentleman's former arguments. The right honourable gentleman had before complained of his having caused the business to be opened in the Parliament of Ireland, and had declaimed with his customary vehemence against the circumstance, as indecent, as disgraceful, and as dangerous to a degree, and yet, would any man in his senses think it possible! the same right honourable gentleman had that day contended, that the business ought to be brought to a conclusion in the Parliament of Ireland, before it was proceeded upon at all in that House! Let the House, let the Public mark this strange inconsistency, this violence of contradiction, and let them decide, what degree of weight any arguments ought to have, that proceeded from a quarter of so little steadiness and so little authority! With regard to the idea of waiting for the Parliament of Ireland, he entertained no such sentiment: if any application should be made by parties who thought themselves deeply interested in the system of which he had stated to the House the outline on a former day, to be heard either in evidence at the bar, or by Counsel, he should certainly be for dedicating Tuesday to that business, and if that day should not be enough to receive all the information that might be offered, let Wednesday be also taken, and so on till the whole could be gone through, and after it was all heard, his intention was to propose a resolution for the House to vote, because he thought it highly necessary

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that the Parliament of Great Britain should come to some decision or other upon the subject; and this decisive resolution he should propose on Tuesday, in case no application to be heard either in evidence or by counsel was made, whether the Parliament of Ireland had made their ultimatum or not. That the Parliament of Ireland had not been sufficiently explicit in declaring what the compensation was she was willing to make in return for being admitted to a participation of the commerce of Great Britain, he was ready to admit, and had expressly said, when he opened the propositions to the House; but the Parliament of Ireland had clearly and undeniably recognised the principle upon which the intended system was founded.

The Parliament of Ireland had met the proposition completely, though in the first instance she had not admitted it to its full extent. Was this doing nothing, as the honourable gentleman had said? Was it not the direct contrary? Supposing even that nothing more was done, was it not getting on a very considerable way in laying the ground for a system of intercourse that was to establish the harmony between the two sister kingdoms, cement their connection, unite their interests, and promote their mutual prosperity, to come precisely at an authentic declaration of what Ireland wished for? Was there a man who heard him so weak a reasoner as to attempt to argue that it was not a progress tending essentially to facilitate a future arrangement on a broad and permanent basis? Nothing could be more obvious, nothing more undeniable, than that it was gaining a great deal, and that it proved the mode that had been taken of ascertaining what Ireland wished for, before Great Britain agitated the question, of what it was prudent and safe for her to grant, was the true and only way of beginning a business, which every friend to either kingdom must be anxious to have ended with cordiality and satisfaction to both countries. Mr. Pitt adverted to misrepresentations that had been studiously and industriously circulated throughout the kingdom with an artful design to poison the minds of the Public, and prejudice them against a plan of the utmost importance to the national interests: he reprobated them in severe terms, and said, he hoped the good sense of the People would operate as an antidote to such poison, and render its effect as innocent as its purpose was base and malignant. He said, when the Committee met, he should fully open to them his mind upon the subject, and state not only the resolution he should

move,

move, but the grounds on which he moved it. At the same time he repeated his intention by no means to hurry the business with an improper degree of dispatch, but to receive every matter of information upon it that should be offered.

Mr. Fox. Mr. *Fox* rose to explain: he said he had not been actuated by any wish prematurely, and at an improper time, to go into a general discussion of the affairs of Ireland, but had thought it candid to say fairly and plainly what his intentions were, if the right honourable gentleman should next Tuesday press the House to a decisive vote under the present circumstances of the business. The right honourable gentleman had charged him with inconsistency, but in fact there was no inconsistency in his having said, he disapproved of the business having been opened to the Parliament of Ireland before it was stated in that House, and his having that day declared, he would object to any proposition that House might be called upon to decide, before they had heard the ultimatum of the Parliament of Ireland. He had said, and he was sure that it would have been more handsome and more decent to have begun the business within those walls; but the other method having been taken, the case was so altered, that it should be known entirely and completely what the wishes of Ireland were, before that House proceeded to take any decisive step in the business. For his part, he disapproved of the matter, as well as the manner, of making the propositions; a free grant on the part of each country struck him as the properest mode of coming to an adjustment satisfactory to both. But, at any rate, it would have been better for the two Parliaments to have separately resolved what each was disposed to give. Mr. Fox pointed out the extreme difference between Ireland, declaring voluntarily, and on her own mere motive, what her wishes were; and the business being opened there by an Englishman, a member of the British Parliament, who went over to Ireland, procured a seat in the Irish House of Commons, and, in the capacity of Secretary to the Lord Lieutenant, or, as it would, unconstitutionally speaking, be called, acting as the British Minister in Ireland. He contended that the Ministers at home, and the Ministers in Ireland, had led the Parliaments of the two countries into the strange situation of holding a different language on the same business, and voting resolutions of a contradictory and even of a criminating nature. With regard to what the right honourable gentleman had said of industrious misrepresentation, he could only say for himself.

himself, that he had neither seen nor countenanced any misrepresentations; the publications he had seen were mostly extracts from the speech of Mr. Orde in the Irish House of Commons; the right honourable gentleman, therefore, must mean to charge Mr. Orde with misrepresentation, if he intended to charge any body. But of this he was sure, to endeavour to represent the matter as it really was, to inform the People of a subject of the first importance to the national interests, to draw their attention to it sufficiently, was a laudable and a worthy species of industry, of which no man need be ashamed. Mr. Fox concluded with declaring his intention to oppose any attempt to call upon the House to come to a decisive vote till they had heard farther from Ireland.

Mr. *Eden* said, to prevent mistakes, he would fairly state the point at which he conceived the debate to rest. He understood the Chancellor of the Exchequer to have pledged himself to state in the Committee of Tuesday next, specifically, what it would be expedient for this kingdom to give to Ireland, and also the specific compensation which ought to be expected in return from Ireland; and farther, that full time would be given in the Committee for learning the opinions of others, and for receiving every information which could tend to complete the inquiry, before it should be proposed to take the sense of Parliament in the form of a question. To his feelings this proceeding was fair and satisfactory. Lest, however, any delay should arise, he would take the occasion to apprise the House, that papers, essentially connected with the business, were still wanting; the one was, an account of prohibitions on the imports and exports of various goods and manufactures, which would be requisite in the discussion of the propositions from Ireland: the other was, an account of the totals of all excise charged in this kingdom on the principal necessaries and conveniences of life, in order to shew the comparative situation of the manufacturers in the two kingdoms. A fortnight had elapsed since he had called for these papers: he would not attribute the delay to any intentional consideration; but trusted that the mere mention of it would accelerate the diligence of those who had received the order of the House. Mr. Eden added, that information would also be necessary on another matter, of which it was candid to give notice, as he knew no mode of calling regularly for it; but trusted that the House would be satisfied if the Chancellor of the Exchequer

Mr. Eden.

would ſtate it at a proper time from ſuch materials as might be in the poſſeſſion of Government. It reſpected a point of great importance both to the merchants and manufacturers of this kingdom, and was inſeparable from the principle aſſumed in the Iriſh propoſitions of a full participation of all commercial advantages. It would be found, on a careful reference to thoſe propoſitions, which purported to eſtabliſh a general equality, that through the whole detail of them there was not a ſingle ſyllable tending to compel Ireland to equaliſe her duties upon exports, either to the United States, or to foreign ports in general: and it was alſo avowed on the part of Ireland, that there was no intention to equaliſe the duties on the import of the raw material for manufactures of internal conſumption. He muſt, however, inform the Houſe, that bar iron was at that hour imported into Ireland on a duty of no more than 10s. per ton, but into Great Britain at a duty of above 50s. per ton; and yet Ireland reſerved to herſelf the whole advantage in the future export of her hardware manufactures to the proportion of five to one againſt the Britiſh manufacturer. He had always thought this unjuſt, previous to the new treaty; but if a bridge was now to be built between the two kingdoms, it would be utterly abſurd in this country to connive at ſuch an inequality. He was ſorry to add, that the omiſſion gave a ſuſpicious appearance to the whole plan There were other articles alſo of great extent, and under the ſame predicament; particularly reſpecting the duties on raw and organiſed ſilk.

Mr. Roſe. Mr. *Roſe* ſaid, he could inform the right honourable gentleman that the papers which he had mentioned were now ready, and would be preſented to-morrow. As to the iron duty, it would deſerve explanation; but it had been equaliſed already on exports to the colonies. As to the ſilk duty, perhaps it would be found to be compenſated by the bounty given in this kingdom on the export.

From this Mr. Eden diſſented. At length the queſtion was put and carried.

Mr. Gaſcoigne, jun. Mr. *Gaſcoigne*, jun. moved for leave to bring up a petition from the gentlemen and merchants of Liverpool, and he accordingly laid it on the table. It was read, and was as follows:

"To

" To the Honourable House of Commons.

" The humble Petition of the Gentlemen, Merchants, Tra-
" ders, and others, Inhabitants of Liverpool, whose Names
" are hereunto subscribed,

" Setteth forth,

" THAT an equal participation in all the privileges and " advantages of a community should, by every rule of right, " reason, and justice, include in it a mutual obligation to en- " courage, maintain, and defend those rights, and to contri- " bute equally to their support, that the island of Great Bri- " tain, when first united in legislation, manufactures, navi- " gation, and commerce, became united also in taxation to- " wards the general support of the common good; that ad- " mission of any neighbouring kingdom to a full share in all " these rights, without subjecting her to sustain a due pro- " portion of the general burden too, would be a great de- " viation from those principles upon which the union of this " island was wisely founded; that our American colonies, " first established by ourselves, still supported by our con- " sumption of their productions, and protected by our navy, " at a constant and immense expence, make only an equitable " return to the parent state, by rendering Britain the grand " mart of their intercourse with Europe; that, from the " vicinity of Ireland, and its great extent of coast, no in- " considerable part of the West-India productions, espe- " cially such articles as are subject here to the heaviest du- " ties, might be smuggled in upon us, to the great detri- " ment of the revenue of this part of His Majesty's domi- " nions; and that, as the productions of foreign plantations " may be legally imported into Ireland, they may from " thence be clandestinely introduced amongst us, and our co- " lonies thereby deprived of the advantages they now derive " from the exclusive supply of this country; and therefore " praying, that the privilege of supplying her own markets " with the produce of her own colonies may be preserved " inviolate to this kingdom, and that every farther extension " of trade between Great Britain and Ireland may be esta- " blished upon such equitable principles as will redound " equally to the mutual benefit of both countries."

As soon as it had been read, it was moved, " That this " petition do lie on the table."

Mr. Chancellor *Pitt* rose, and congratulated the House and the Public on their having had a petition presented from an enlightened and respectable body of men, the merchants Mr. Chancellor Pitt.

of one of the first trading towns of the kingdom, wherein the strongest testimony was borne to the rectitude of the principles, upon which the propositions that had been opened to the House, for sustaining an arrangement of a commercial intercourse with Ireland, were all founded. He considered it as a proof that all attempts at misrepresentation must fail, where men employed their own understandings and judged rationally for themselves. The principle recommended in the petition was that, he said, which statesmen and patriots approved as much as merchants and manufacturers, a principle that was undeniable, viz. that a participation of benefits ought ever to be attended with a participation of burdens. It was upon that idea that His Majesty's Ministers had proceeded in the formation of a system of intercourse with Ireland, calling upon the latter to meet a participation of the commercial advantages of England with a participation of the burdens incurred by the defence of the general commercial interests of the empire. Mr. Pitt dwelt upon these topics for some time, treating the petition as in the warmest style of encomium, and expressing an expectation that the good sense of the kingdom would operate in like manner, and be productive of petitions equally opposite to the purposes of misrepresentation and faction. Mr Pitt applauded the pulse in the petition that described the practice of smuggling into Great Britain the produce of the West-India, neutral, and French islands, through Ireland, to the [illegible] of former commercial arrangements with Ireland.

Mr. Fox. Mr. Fox said, he was a little surprised that the right honourable gentleman [illegible] should have chosen this opportunity to [illegible] in [illegible] a style. Every word he had uttered was [illegible] upon their understandings, because, [illegible], a more explicit arraignment of the system of intercourse with Ireland, with the outlines of which the right honourable gentleman had favoured the House on a former day, could not be made, than was made in the petition that had been just read, the prayer of which was, that the House would take care to confine the British markets to British merchants. How far the language the right honourable gentleman had held was conciliatory, or likely to win upon the tempers and dispositions of the other mercantile bodies, [illegible] might think it necessary to petition that House on the subject of Irish affairs, Mr. Fox said, he would not take upon himself to pronounce, but though the right honourable gentleman had been ready, upon a cursory reading of

of a petition for the first time, to rise and brand the petitioners with being blockheads for stating allegations of one kind, and concluding their petition with a prayer, amounting to a conclusion of a totally different complection, he certainly was not prepared to treat the merchants of Liverpool with so much disrespect.

Mr. Chancellor *Pitt* rose again, and desired to convince the House that he had been well warranted in what he had said, that the first sentence or two of the petition might be read. Mr. Chancellor Pitt.

The whole of the petition was, at the desire of the House, read over again by Mr. Hatsel.

Mr. Chancellor Pitt then contended, that the premises naturally led to the conclusion. With regard to whether he had held a conciliatory language or not, or whether he or the right honourable gentleman had treated the petitioners with incivility or disrespect, it would be for the Public to determine, if the right honourable gentleman's speech should be correctly reported.

Mr. *Gascoyne*, jun. said, he conceived any argument upon the contents of the petition, or the sense and meaning of the petitioners, would be more fitly agitated and discussed in the Committee, to which the House would, doubtless, refer the petition for consideration; he therefore only rose to express his satisfaction on finding that the petition had produced the effect, which he hoped every other application he should have occasion to make on the part of his constituents would do, viz. to give satisfaction to both sides of the House; for as one set of gentlemen had declared they approved of the allegations, and another of the prayer, it was evident neither were displeased. Mr. Gascoigne, jun.

Mr. Alderman *Newnham* said, the right honourable Chancellor of the Exchequer had noticed the power of smuggling of goods from Ireland to England, as the two countries stood circumstanced at present; but he had taken no notice of the great latitude that would be given to the smuggling of the produce of the neutral islands, and even of the French West-India islands, into Great Britain, should the new system of intercourse be established, unless very wise and cautious restrictions were provided. Mr. Newnham entered into a discussion of the nature of sugars, and the difficulty of ascertaining of what island they were the produce when in a certain state of manufacture. Mr. Ald. Newnham.

The motion for ordering the petition to lie on the table was then agreed to.

Mr.

Mr Ald Sawbridge. Mr. Alderman *Sawbridge* rose to make a motion relative to the Westminster scrutiny, similar to the three former motions that had been made on that subject.

Lord Mulcaster. Mr Wm Grenville. Lord *Mulcaster* however rising at the same time, with a petition in his hand, a contest arose who should be heard first; but Mr. *W. Grenville* moving, "that Lord Mulcaster be heard," his Lordship stated the purport and prayer of his petition; it was brought up and read at the table. It was signed by Sir Cecil Wray's Committee, at the head of whom was a subscriber of the name of Fox, which created a hearty laugh. The petition stated, that the Committee had carefully investigated the votes in the parishes of St. Margaret and St. John, and had discovered, that four hundred persons had polled as inhabitants of those parishes, not one of whom could be found.

The petition having been ordered to lie upon the table, the Speaker called upon Mr. Alderman *Sawbridge*, who rose again, and said, it was now so universally agreed, that a mode of trial so vexatious, litigious, and abominable, as the Westminster scrutiny did not exist, he flattered himself, he should not have occasion to take up much of the time of the House, or provoke any long debate, by moving "to put an end to it." Sir Cecil Wray, he said, it was well known, wished to be rid of it; and, though the pride of his Committee might have stimulated them to sign the petition that had been just read, yet he was persuaded they would be glad to have so good an excuse for its being at an end, as the order of the House to discontinue it. With regard to the opinion of that House, there were not ten men in it, he was convinced, who did not wish it was over, for reasons which he would not inquire into, because he wished not to provoke ill humour, or say any thing that had the smallest appearance of invidiousness. Mr. Sawbridge stated the situation of the scrutiny, and said if it were ordered to conclude immediately, Sir Cecil Wray would be found to have gained only two by the scrutiny, although Mr. Fox had not nearly gone through his list of bad votes in St. Martin's. With regard to the four hundred bad votes in the parishes of St. Margaret and St. John, Mr. Sawbridge said, it was highly improbable that half of them could be established, and Mr. Fox would undoubtedly be able to set aside a great number of Sir Cecil Wray's voters. He said farther, that about the one fourth of the scrutiny was gone through, and it had taken nine months to proceed thus far; the whole, therefore, would not, in all likelihood, be completed in less than a year and a half to come. To what end continue so

tedious and so fruitless a process? He concluded with moving, "That it appearing to this House, that Thomas Corbett, Esq. "High Bailiff for the city of Westminster, having received "a precept from the Sheriffs of Middlesex, for electing two "citizens to serve in Parliament for the said city, and having "taken and finally closed the poll on the 17th day of May "last, being the day next before the day of the return of the "said writ, he be now directed forthwith to make a return of "his precept of members chosen in pursuance of it."

Mr. Chancellor *Pitt* said, he rose not to debate the question; it had been so often discussed in that House, that farther argument was unnecessary. Had any new ground for the putting an end to the scrutiny been stated, he should have given it its proper degree of weight, but as the worthy Alderman had no authority from Sir Cecil Wray to declare, that he was tired of the scrutiny, and as the noble Lord behind him had received due authority to present a petition from certain electors of Westminster, praying that the scrutiny might be continued, which petition was not yet out of the recollection of the House, and farther, as there was nothing new in the worthy Magistrate's speech, but his declining the usual resort to invidious personalties, and as he had been so sparing of invective as to have contented himself with adding the single word "abominable" to the catalogue of epithets with which the scrutiny had been loaded, he should take up no more of the time of the House, but sit down satisfied with moving, "That the House do forthwith adjourn." M. Chancellor Pitt.

The Earl of *Surrey* said, he would state a new circumstance, which he hoped would make the same impression on the right honourable gentleman that it had made on his mind, since it was an incontestible proof how nugatory a court a court of scrutiny was. The circumstance was this: a person resident in Westminster, and who had a right to vote, had voted twice, once for Mr. Fox, and once for Sir Cecil Wray. His vote was consequently attacked, and the result was, his good vote was struck off, and his bad vote suffered to stand. His Lordship said, he had intended, had the House met on Tuesday, to have moved, that the High Bailiff and his assessor should attend at the Bar to prove this fact, but he was prevented by the House not having met; he wished not, however, that the House should take it on his single assertion, but was willing, if they chose it, to be examined in his place. His Lordship urged the necessity of their proceeding to agitate and discuss so important a business as the Irish affairs in harmony and temper, and appealed to the Chancellor of the Exchequer whether The Earl of Surrey.

it would not be wise to put an end to the Westminster scrutiny which kept men's minds irritated and angry, previous to their entering upon it; but if that argument should prove of no avail, he wished him to consider, that when the question of parliamentary reform came on, it was worth his while to increase the cordiality of the House.

Sir W. Dolben. Sir *William Dolben* said, he detested acts of tyranny and despotism as much as the worthy Alderman who made the motion, had always shewn he did, but he thought the fact alledged in the petition, viz. that Sir Cecil Wray's Committee upon minute inquiry had discovered that four hundred persons had voted for the parishes of St. Margeret and St. John, who had no existence in the parish, ought to come home to every man's feeling, and induce him to vote for the scrutiny's going to that parish.

Mr. Praed. Mr. *Praed* contended for the continuance of the scrutiny, and said a scrutiny was what every member of that House knew himself to be liable to when he stood an election.

The question being put, the House divided,

Ayes (for the adjournment)	- -	124
Noes	- - -	162
Majority	- -	38

The main question was then put and carried without a division.

Mr. Fox. Mr. *Fox* then moved, "That the former resolutions respecting the scrutiny should be rescinded and erased from "the journals." A debate occurred on this, during which strangers were excluded from the gallery. The argument was on the impropriety of making the motion without previous notice, and at so late an hour. It was agreed to postpone it to a future day.

March 4.

The High Bailiff made his return of Lord Hood and the right honourable Charles-James Fox, and a question arose, what the House should do with it, as the return was not stated on the day appointed by the writ. The question was put, that the Clerk of the Crown be directed to accept of the said return, which was ordered accordingly.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* then moved, "That a Committee be "appointed to make out the estimate of the expence of cloth-"ing and paying the militia for the year 1785." This, he said, was only a motion of form, and called for no discussion

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on this day. The expediency of keeping up a militia was what, he hoped, would never be loſt ſight of in this country. Its utility, as well as its alliance to the natural principles of our conſtitution, ſhould always be an argument for continuing this eſtabliſhment, ſhould always live in the minds of a Britiſh Parliament; and he ſhould be ſorry to ſee a time when any different principles ſhould be adopted. At preſent, though there was no appearance of neceſſity for continuing this expence, and that the utility which reſulted from them this year could bear no proportion to the expenditure which they would occaſion, yet he deemed it neceſſary to admit a conſtant expence, even when they ſhould not be neceſſary, for the purpoſe of having them prepared whenever any neceſſity might ariſe. But as he conſidered it of little conſequence to draw them out this year, or indeed ſo often as had been uſual, he ſubmitted it as his opinion to the Houſe, that they ſhould be called out once in three years, or perhaps in general not ſo often. For this year, in particular, he thought it perfectly unneceſſary. The expence of calling out the militia amounted to between forty and fifty thouſand pounds per annum. This expence would be, in a great degree, ſaved, and every purpoſe of aſſembling them anſwered equally well, by their being called out every three years.

Mr. *Marſham*, as an old militia officer, did not wiſh to ſee the militia ſo much neglected as they muſt be by being called out only once every three years. The manner of clothing them would be difficult to regulate under this arrangement, and the only advantage it would have would be the ſaving individuals the expence of procuring ſubſtitutes. Mr M-. ſham

Mr. *Ord* denied that the expence of calling out the militia would be ſo great as repreſented by the Miniſter. Mr. O .

After a few words from Mr. Vyner and Mr. Powney, the motion paſſed.

The report of the Committee of Supply on Monday laſt for the ordinary of the navy having been brought up by Mr. Gilbert, and read a firſt time, and the queſtion having been put, "That this report be read a ſecond time,"

Mr. *Huſſey* roſe and ſaid, although the navy was very deſervedly the favourite ſervice in the conſideration of that Houſe, for which reaſon it had been liberally ſupplied at all times, he thought it his duty to ſtate ſome few doubts that occurred to his mind on looking into the eſtimates of the ordinary of the navy, which the Committee of Supply of Friday laſt had reſolved to recommend to the Houſe, as fit in their opinion to be voted. Mr. Huſſey added, that he had no doubt Mr H-T.

but the honourable gentleman opposite to him would give him such an explanation upon the matters to which he should call his notice, as would be perfectly satisfactory to the House. He then observed, where there was an entry of a large sum in one line for one general head of service, it was impossible for gentlemen, who, like himself, were not professional men, to know whether the articles comprehended in that sum, were such as ought to be voted or not. They could only consider it as men of figures, and come at the probable meaning, by comparing the estimate with the estimate of former years. He had, he said, compared the present estimate with the estimates of the years 1763, 1764, and 1765, which were years immediately subsequent to the conclusion of the war. In those estimates he found sums charged for repairing the dock yards, and a variety of other purposes, which were extremely inferior to the amount of sums charged for the same services in the present estimate. Mr. Hussey reasoned upon several of these charges, and said he was wholly at a loss to know to what he was to ascribe the very great excess of the charges now, compared with the amount of the former charges He laid particular stress upon the charge for repairing the dock yards, and stated the specific sums that had at different times been granted for that purpose. He also laid his finger on a charge of sixteen thousand pounds for building a house in one of the dock yards for a Commissioner. He said, as the honourable gentleman opposite to him, had always shewn himself an enemy to works of mere shew and parade, such as the buildings at Somerset-house, &c. he hoped he would join him in reprobating the application of the public money to any purposes of that nature, at a time when œconomy was so extremely necessary.

Mr. Brett. Mr. *Brett* rose to give the explanation required. He accounted for the different charges in the estimates of the present year, and in those of former periods, for the same heads of service, by stating the great difference between the condition of our navy, the number of ships in ordinary, &c. at this time and at that. He reminded the House of the general complaints that had been made, and the infinite inconvenience the nation had felt at the commencement of the late war, on account of the very bad condition into which the navy had been suffered to fall during the preceding peace. He said, the present Admiralty Board thought it their duty to preserve the public from the possibility of incurring a similar inconvenience. In so doing, he trusted the sense of the nation went with them, and that the House would not grudge an addition

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of expence for so salutary a purpose. He pointed out the particular causes of the increase of the charges alluded to by the honourable gentleman, and said farther, that with regard to the charge of sixteen thousand pounds for building a house for a Commissioner of one of our dock yards to reside in, the house had been deemed necessary, and ordered to be built by a former Board of Admiralty, and he would fairly confess the estimate was but for nine thousand pounds; but every gentleman who had built a house knew, that estimates rarely gave the ultimate size of the expence incurred. A trifling alteration served as a plea for a large addition of charge, and it generally happened that a building cost a great deal more by the time it was finished than it was computed it would cost when it was begun. Were not this the case, and were it not impossible to save the expence now, he should not have moved for the money; and did assure the honourable gentleman he entertained the same dislike to spending the public money in buildings now that he professed before he came into office, and would as readily join him in any practicable plan to prevent the incurring of such charges.

The report was ordered to be read a second time, and was read accordingly, and agreed to.

The order for the consideration of the Committee on the office reform bill having been read, and the Speaker rising to fill up the blanks, by moving the necessary question on each separate amendment of the Committee,

Mr. *Powys* complimented the Chancellor of the Exchequer for having brought in a bill that had so laudable an object, and desired to know from him, how two of the persons named as Commissioners in the commission, to be authorised and instituted under this bill, could be capable of discharging their duty, since they were acting under another commission in a capacity which they had filled to the universal satisfaction of the Public, and highly to their own honour. Mr. Powys.

Mr. Chancellor *Pitt* said, the business of the existing commission, from its nature, was slow, and by no means occupied the whole of the Commissioners' time. He could, therefore, assure the House, that the two gentlemen in question, whose industry and ability no man would dispute, were fully capable of executing the duties about to be imposed on them by this new commission, the object of which was extremely different, and by no means clashed with the object of the former commission. Mr. Pitt said, he spoke with confidence on the subject, as he had the authority of the gentlemen themselves for the declaration he had made. As he was upon his legs, he Mr. Chancellor Pitt.

faid, he would juft fay a word or two to another matter that had neceffarily a reference with the fubject of the bill under confideration. He lamented that an honourable gentleman, at whofe particular inftance the confideration of the report had been put off on a former occafion to that day, was not in the Houfe He had hoped to have had the pleafure of feeing him in his place, and of hearing from him how he meant to apply the minute of the Treafury Board, which the honourable gentleman he alluded to had moved for, in objection to the prefent bill That minute had been made when the honourable gentleman himfelf affifted the Board of Treafury with his advice and abilities, but as nothing had been done in confequence of the minute, nor any one ftep whatever taken towards carrying it into effect, he knew not how the minute could be made to fupport the honourable gentleman's argument on a former day, that the prefent bill was unneceffary, becaufe the Board of Treafury had full powers of themfelves to do all that the bill would authorife the Commiffioners, unlefs by——Juft as Mr Pitt had got to this part of his fentence, Mr Sheridan entered the Houfe, Mr Pitt, therefore, fhopt fhort, and faid, he was glad the honourable gentleman was come to fave him the trouble of gueffing at his fentiments, which he would fo much better ftate, and enable the Houfe to have upon authority

The Speaker then went through the amendments, and upon the queftion "That this bill be engroffed,"

Mr Sheridan. Mr. *Sheridan* rofe and faid, he had no objection to the motion and to let the bill go to the third reading, when he flattered himfelf he fhould be able—certainly not to conceive the right honourable gentleman, but—to fhew him that the prefent bill was abfolutely and entirely unneceffary, becaufe the Board of Treafury had all the powers the bill propofed to inveft in Commiffioners vefted in them already. Mr. Sheridan faid, the minute of the Treafury which he had moved would, he trufted, bear him out in this affertion, but as it was not prefented before Friday laft, he really had not time to read it with fufficient attention to fpeak upon it at that moment, but he was pretty confident it was fufficient ground for him to ftand on. At prefent, if he objected at all to the report, he fhould have moved, by way of amendment, to leave out the names of the Commiffioners, and to infert, in their ftead, the names of the Lords of the Treafury. But not feeing any particular reafon to take the debate then, he would let the bill be made as good a bill as it poffibly could be, and then, in its perfect ftate, argue againft its principle. Mr. Sheridan faid farther, that

that the same argument that applied in objection to the former bill, applied in objection to the present. That objection had been used in the other House, where, when the former bill had been thrown out, complaint had been made of its being left to them to do dirty work, and to throw out a popular bill. Mr. Sheridan added, that the former bill had certainly been a bill the most nonsensical, absurd, and ridiculous, that ever was framed, and the authors of it had been heartily ashamed of it.

Mr. Chancellor *Pitt* said, he had not the smallest objection to taking the debate on a future day, when the honourable gentleman should be better prepared, and as nothing could be more plain than the points which the honourable gentleman had pledged himself to prove, they were fairly at issue, and the House would find it an easy matter to decide between them. With regard to the former bill, if it was so full of nonsense and absurdity as the honourable gentleman had thought proper to state, it was an evident proof that the honourable gentleman and his friends were extremely gentle in their opposition at the time the bill was in its way through that House, as no one of them took the trouble to point out any one particular in which the nonsense and absurdity were evident, but suffered the bill to be carried up to the other House. Mr. Pitt added, that in the debate on the present bill, come on when it would, he should not hold himself bound to discuss or enter into any defence of the former. Mr. Chancellor Pitt.

Mr. *Fox* desired the House not to run away with the idea that the present bill was exactly the same as the former bill, and under that notion, to vote for it, without examination. He meant not then, Mr. Fox said, to go into the discussion of what the bill was, or whether it was a better or a worse bill than the former? So far he was ready to admit, it was so much a better bill in proportion, as it was so much shorter; but how far, upon the whole, it was a good bill, he would enter into the consideration of on a subsequent day. It was enough for his present purpose to remind the House that it was not the same bill. Mr. Fox.

Mr. Chancellor *Pitt* admitted that it was not a *fac simile* of the former bill, although it gave the same powers for the same purpose. In the former bill there were certain positive provisions that were omitted in the present, which was confined rather to enact the general object than to recite it in detailed causes. Mr. Chancellor Pitt.

Mr. *Burke* rose to desire some papers might be read; but being given to understand, that it was wished to take the debate Mr. Burke.

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on a future day, very readily consented to postpone his purpose.

The bill was then ordered to be engrossed, and read a third time this day.

March 8.

Mr Pelham.

Mr *Pelham* wished to move for papers of material consequence, in the discussion of the Irish questions. He was led to this motive, by information contained in the Report of the Committee of Privy Council, which had just come to his hand. He conceived, that the [illegible] part of the Resolution, submitted to the consideration of the House, related to the importation [illegible] manufactures [illegible] kingdom, and that the [illegible] was to be settled [illegible]. And consequently, [illegible] supposed, that [illegible] manufacture given in [illegible] country, should be balanced by duties on the importation into the other. He understood [illegible] of the Resolutions, that [illegible] were to be so balanced, that the manufactories of each kingdom were to be put upon an equal footing. He wished to be considered as giving no positive opinion upon the part of the settlement to take place with Ireland. As a friend to Ireland, he should by no means have brought forward any resolutions respecting the manufactures of England and Ireland; the advantages the Irish were now possessed of, he was willing to leave them in quiet possession of; but if [illegible] ones were to be given, and a plan of equality or reciprocity was to be adopted, he thought it material, that the House should be informed of all the advantages that were at present possessed by the Irish manufactures, and particularly the linen, from internal bounties, as it might be a question, whether the staple manufacture of each country should be received by the other, upon an equal footing; and that as the English woollens were subject to a heavy duty in Ireland, whether a similar duty upon Irish linens coming to England, might not necessarily form a part of the plan. He wished, that there might be an authentic account of the several bounties given at different times by the Irish Parliament; the natures of such grants were various, frequently applications were made to Parliament for sums of money, in consequence of expences that had been incurred on establishing manufactories, which were generously granted. Parliament also granted money to the Linen Board and Dublin Society, which the Board and Society disposed of, in granting a per centage on various manufactures, particularly linen, in giving looms

looms to manufacturers, and in other modes, according to the nature of the manufacture. He therefore moved, "An "Addreſs to His Majeſty, for an account of all bounties "upon Iriſh manufactures, granted by acts of the Iriſh Par-"liament, either by groſs ſums to individuals, who have "eſtabliſhed manufactories, or by a per cent. on the manu-"facture, or by grants of the Linen Board and Dublin So-"ciety, or in any other manner, during the laſt five years, "ſpecifying the ſums granted each year for the ſaid pur-"poſes."

Mr. Chancellor *Pitt* ſaid he ſhould certainly have no objection to the motion, although he did not think it would anſwer the end for which the honourable gentleman propoſed it. He ſuppoſed the object of the documents required was to aſcertain, how far the ſtaple commodities of the two countries (namely, the linen and woollen) were comparatively encouraged in each. He was afraid that the information, now called for, would not ſufficiently elucidate the point: but at all events he thought it proper that it ſhould be offered to the Houſe. He flattered himſelf, however, that every matter of that nature would be fully explained when the ſubject ſhould be more completely under diſcuſſion. Mr Chancellor Pitt.

The queſtion was put and carried.

Lord *Beauchamp* ſaid, he held in his hand a printed copy [illegible] of a Report of the Committee of the Houſe of Commons of Ireland, appointed to enquire into the ſtate of all the manufactures of that Kingdom. As it was the moſt authentic ſource of the important information it contained that could be had, and as the Houſe would certainly have frequent occaſion to refer to it in the diſcuſſion that would neceſſarily take place on the propoſitions that had been made and agreed to by the Parliament of Ireland, he hoped the right honourable gentleman would have no objection to a motion for an Addreſs, that the proper officer do lay the ſame before the Houſe. His Lordſhip ſaid, he offered this motion with a view to another motion, when the report ſhould be upon their Table, viz. that a ſufficient number of copies ſhould be printed for the uſe of the Houſe.

Mr. Chancellor *Pitt* ſaid, that the Report might certainly be found uſeful, but he doubted whether the Houſe could with propriety addreſs His Majeſty on the ſubject. He declared it was to him a very diſagreeable taſk to give even the appearance of oppoſition to any motion, the object of which was to procure information, but his only objection on this ſubject was, not to the ſubſtance but to the form, for he did Mr Chancellor Pitt.

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not think it proper to addrefs His Majefty for a paper which he was certain had never been laid before him. This difficulty, however, could not ftand between the Houfe and the information offered to it, becaufe as the report was already printed by order of the Irifh Houfe of Commons, and as the noble Lord had already a copy of it in his hands, it might be taken full advantage of by thofe gentlemen who wifhed to give themfelves trouble on the fubject.

Lord Beauchamp.

Lord *Beauchamp* faid, he underftood it had been not unufual for members to lay papers upon the table, and for the Houfe to fuffer them to remain there. [The Speaker fignified, that it was altogether irregular and uncuftomary, to permit any fuch practice.] His Lordfhip faid, he by no means wifhed to prefs the Houfe to depart from their eftablifhed and regular rules, but he muft own, he was extremely anxious to have the Report laid upon the table, if it could be prefented, confiftent with the order and the practice of the Houfe, becaufe he, and other gentlemen, might poffibly have occafion, in the courfe of the debate on the propofitions, to refer to different matters, relative to the ftate of the manufactures of Ireland, and it certainly would be more fatisfactory to refer the Houfe for the truth of their arguments to the Report, undoubtedly the beft authority that could be had, than to truft folely to their own perfonal affertions.

Mr Chancellor Pitt.

Mr. Chancellor *Pitt* repeated, that he had no objection but in point of form. He wifhed the motion could be complyed with, confiftent with practicability.

Lord Beauchamp.

Lord *Beauchamp* faid, he by no means wifhed to prefs a motion that he found could not be complied with in point of form.

Mr. Eden.

Mr. *Eden* faid, that, in rifing to move an Addrefs to the King, that all the acts of the Irifh Legiflature fhould be laid before the Britifh Houfe of Commons, he felt that the propofition was of fo novel a nature, as to call for good reafons in fupport of it. He was not aware that there could be any difficulty in point of fact, as he knew that the Irifh Statutes were already in poffeffion of one of the public offices; nor was he liable to be told that they were not forth coming, as it was a part of the conftitution of the empire, that the Irifh laws pafs under the Great Seal of this Kingdom. In defiring to bring them before the Houfe, he would freely fay, that, though voluminous accounts refpecting the commerce, manufactures and revenues of the two kingdoms had been moved by himfelf and others, and though many papers had been alfo brought with great candour by His Majefty's Minifter for

for the information of Parliament, the whole would be defective, unless means could be furnished to refer also to the Irish Statutes. For example, it was his intention and to bring into discussion the justice, expediency and necessity of equalizing the foreign trade of the two kingdoms, in case it should prove practicable to equalise the systems of their domestic trade and intercourse, he could not understand any principle by which a full participation of British advantages should be given to Ireland, which did not imply that a full participation of Irish advantages should be secured to Great Britain. If then it should be thought proper to examine whether Ireland, importing the raw materials of her manufactures with inferior duties, was enabled to export to foreign markets on terms which must gradually exclude the fair competition of the British manufactures, and sometimes even with great bounties directly or indirectly given, he must apprize the House, that such an investigation could not be carried on by any of the documents before the House, but only by a reference to the Irish Statutes.

Again, he was not prepared to form an opinion how far in arranging the proposed equality of competition between the manufacturers of the two kingdoms, it would be right to require from Ireland an equivalent, either for the difference of her burdens in point of relative taxation, or for her advantage in the inferior price of raw materials and labour, or for her various internal bounties, or for the British bounty on the export of Irish linens, or for the duty meant to be continued on British woollens, though the Irish linens are for ever to be duty free; but he was certainly prepared to admit, that these were matters well worthy of the fullest examination, which could only be obtained by referring to the Irish Statutes.

Again, in the various matters which every hour brought either to his recollection or observation in considering the Irish propositions, he was continually discovering new subjects of doubt, and such as he should think it his duty to ascertain, if in the result of the whole he should wish to give a general support to the proposed system. The Irish resolutions were extremely complicated and difficult, and it was no wonder that they were as yet very imperfectly understood.

With every endeavour to understand them, and with some preparation for that purpose, he had but recently discovered that the Second Resolution, which purported to give a general interchange of foreign and colonial articles between the two kingdoms on similar duties, was so worded as to deprive the British merchants of a great advantage which had been en-

joyed above a century. The speech attributed to Mr. Orde had indeed fairly stated this to be half of the custom (or two and a half per cent.) on plantation goods, and a third of custom on foreign goods. That advantage had enabled Great Britain to maintain the carrying trade to Ireland; but the nature of it could only be explained to the House by reference to the Irish Statutes which had established it.

It would also be necessary to have frequent reference to the Irish Statutes, in examining how far they are adequate to the purpose of preventing the illegal introduction of foreign manufactures into the British markets, and how far they are calculated to leave a due security in other respects to the British revenue. Upon the whole, he trusted, that the House would concur in the necessity of the proposed Address.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* answered, that he was not aware of any objection to the Address. Undoubtedly many occasions might incidentally arise in the progress of the business, in which it might be convenient to the House to have access and reference to the Irish Statutes, and therefore he was obliged to the right honourable gentleman for having made the motion.

The question was put and carried.

A debate took place in consequence of a petition which the Lord Advocate of Scotland presented from the Chamber of Commerce of Glasgow, against the Irish propositions.

The order of the day that the bill for the reform of offices be read a third time, was moved, and read.

Mr Sheridan.

Mr. *Sheridan* rose to make good his assertions of the preceding day relative to there being no necessity for any such bill, as the Board of Treasury already possessed full powers to do every thing which the Bill avowed for its object. He began by observing that it was not the same bill as that of a former session, since at least four-fifths of the former bill were not in the present. He then stated the minute of the Board of Treasury in Lord Shelburne's administration, and reasoned upon it as a proof that an inquiry, similar to that proposed to be instituted by the bill, had been gone into. He quoted the minute of the Board of Treasury likewise in the Duke of Portland's administration, to prove that they had also ordered a similar inquiry. He next examined the qualifications of two of the three Commissioners named in the new bill, and urged the absurdity of appointing Comptrollers of army accounts to reform the Treasury, to the control of which they were themselves subject. He said he supposed the appointment of two such persons to the commission was for the

the ſake of fair play, and that as the Treaſury had ſome time ſince reformed the Comptrollers of army accounts, that they ſhould now in their turn be permitted to reform the Treaſury. He dwelt on this for ſome time, and then went into a minute examination of the bill clauſe by clauſe, arguing upon each, both in regard to the wording, the expreſſion, and the ſtyle, and in regard to the neceſſity, expediency, and policy of the ſeveral proviſos. He charged the Chancellor of the Exchequer with having ſhewn himſelf remarkably inattentive to the drawing of public bills, and ſaid, he expected he would ſoon bring in a ſweeping bill, to amend and explain every one of the revenue acts of the laſt ſeſſion. The looſe, careleſs, and unintelligible manner, in which they were almoſt every one of them drawn, had excited the contempt of the whole country. Accuracy of ſtyle, and intelligent expreſſion, were, he ſaid, as neceſſary parts of an Act of Parliament as the ſoundneſs of its principle and the ſalutary effects of its operation. He pointed out the extravagant powers given to the Commiſſioners by the clauſe that enabled them to ſend for perſons, and examine them when and where they pleaſed. He ſaid, under ſuch a boundleſs and unlimited authority, they might ſend for the right honourable gentleman oppoſite to him, or for the Speaker to Brighthelmſtone, or any other watering-place, and order them to bring all their papers with them. He ſaid he was aware that he was ſtating the caſe largely, but in conſidering a bill of that nature, he had a right to argue it in the extreme, and to ſhew to what an extent of abſurdity, oppreſſion, and injuſtice the letter of the bill went. After putting a variety of hypothetical caſes, in order to preſent the defects of the bill the more glaringly, he ſaid, it was not out of his recollection, that in anſwer to all he had urged, it might be ſaid, the ſame powers were already given by an exiſting act of Parliament, the act inſtituting the Commiſſioners of the public accounts; but he begged leave to ſhew that the act appointing Commiſſioners of Accounts, differed in ſome eſſential points from the preſent bill. In the firſt place, the Commiſſioners of Accounts had been loudly called for from all parts of the kingdom; an extraordinary and momentous occaſion made it indiſpenſably neceſſary. One hundred and fifty millions had been added to the national debt, and the people demanded an inveſtigation into the expenditure of ſo enormous a ſum of the public money. That inveſtigation could not be gone on with ſo well in any other hands as in thoſe of Commiſſioners eſpecially appointed for the purpoſe. Here, then, was a great

necessity for appointing Commissioners, and for entrusting them with powers of an extraordinary nature; a necessity that justified the measure. In the present case, there was no such necessity. The object was of little consideration, and the Board of Treasury fully equal to it. The bill, in fact, had no great view worthy of the means it authorised; it was a rat-catching bill, instituted for the purpose of prying into vermin abuses. Again, the Commissioners of Accounts were men in no official situation, subject to the controul of those into whose conduct they were to inquire. The new Commissioners, he had already proved, were subject to the controul of the Treasury. In the next place, the Commissioners of Accounts were from time to time to report their proceedings to Parliament, who were by that means to watch over their conduct. The new Commissioners were to make no reports to Parliament, but merely to the Board of Treasury. A fourth matter of difference was, the Commissioners of Accounts were named by Parliament, the new Commissioners by the Crown, which was to appoint a successor in case of death or resignation. Mr Sheridan reasoned on these four essential matters, in which the act, instituting a Commission of Accounts, differed from the present bill. He concluded with saying, that he flattered himself, he had shewn that the present bill was unnecessary, that it was absurd, and that it gave powers of an alarming and unconstitutional nature.

The Attorney General. The *Attorney General* (Mr Arden) said, till near the close of the honourable gentleman's speech, he did imagine that the honourable gentleman had not known that there existed a law, which gave to Commissioners all the powers which the present bill would give the new Commissioners. That those powers were uncommonly great and extensive, he was ready to admit, but he was not therefore ready to say, they ought not to have been given. They had been given before without any of those alarming consequences following, which the honourable gentleman appeared to dread. On the contrary, people had slept as quietly in their beds since the act for appointing Commissioners of Accounts had passed, as before. With regard to the extravagant construction of the words of the act, which the honourable gentleman had indulged himself in putting, there was not a single statute, that would not bear as ludicrous an interpretation; but, did any man imagine, that the Commissioners would dare to act upon the clauses in so extraordinary a manner, or would harrass the subject by such an enormous abuse of their power? If they did, he would be bold to say, they were liable to be prosecuted

secuted and punished, for having exceeded that authority, of which the plain sense of all who read the bill, would enable them to trace the limits. With regard to the objection that the honourable gentleman had laid so much stress on, viz. the power given to the Crown to appoint a successor, in case of death or resignation, where was the harm of it? Did the honourable gentleman know, that in a bill moved by his right honourable friend (Mr. Fox.) and which had passed into a law for the appointment of Commissioners to receive and examine into the claims of American refugees, the same power had been lodged in the Crown, and there had not been any of that alarm and danger held out then. Why? Because the honourable gentleman and his right honourable friend were in Administration at the time. It was that which made all the difference. Mr. Attorney pursued this strain of reasoning, and at length concluded with declaring his entire approbation of the bill.

Mr. Chancellor *Pitt* said, that after what had been so ably argued by his learned friend, it would be necessary for him to apologize for troubling the House with any thing on the subject, but still he must beg leave to take up their attention for some little time, in order to answer some objections of the honourable gentleman (Mr. Sheridan) with respect to the persons appointed to this work. He flattered himself, that the choice of them was such, as could be liable to no reasonable animadversion; two of them were persons of the most unimpeached reputation, who had already distinguished themselves by their ability and integrity, in a work nearly allied to this in question, namely, the settling of the army accounts, and to them was added a third, a man of an independent fortune and unblemished character, who was not in office. As for the minute, which had been read from the proceedings at a late Board of Treasury, at which the honourable gentleman had assisted, he was surprised to find, that his argument on that subject, had taken the turn it did; for from the experience he had had of the grounds which the gentlemen on the other side of the House were fond of going on, and the sort of questions which it was their most favourite task to agitate, he imagined that the whole of the honourable gentleman's observations on that minute would have been confined to the three first words of it—it began "Present, the Duke "of Portland, Lord John Cavendish, and Mr. Montagu." Those were the three words to which he alluded, and he expected, that on the authority of those three names the honourable gentleman would have grounded a charge of pre- Mr. Chancellor Pitt.

sumption

ſumption againſt him, for venturing to deviate from a prece-dent, furniſhed to him by ſo reſpectable an authority. He confeſſed he was one of thoſe who felt the moſt ſincere reſpect for each of thoſe three gentlemen, but he was not of the num-ber of thoſe whoſe ſuperſtitious veneration for any name, not even the reſpectable name of Cavendiſh itſelf, led them to conſecrate the failings and errors to which ſuch names were held out as a ſanction. For this reaſon he had been induced to abandon the line chalked out for him by that precedent, becauſe he thought no precedent could be of ſufficient autho-rity to warrant a violation of his duty; and as the honour-able gentleman had thought proper to read a very large part of the minute, in order to ſhew that he had deviated from it, ſo he would read a very ſmall part, in order to ſhew, that in ſuch a deviation he was not only not to blame, but he hoped, deſerving of approbation. [Here he read that part of the minute which preſcribes to thoſe appointed to inquire into the abuſes of the ſeveral offices, "that they ſhall confine "their reſearches to the known and lawful perquiſites of "each ſubordinate officer, relying on the integrity of thoſe "in higher departments, that they would prevent any pri-"vate clandeſtine practices of peculation and extortion."] Thus, he obſerved, a new and extraordinary power was given to inquire into and correct obvious and trifling abuſes, while thoſe of a more covert, a more dangerous, and a more ex-tenſive nature were to be left to the ordinary control and ſuperintendance of the old eſtabliſhment. This he ſuppoſed was done to avoid the imputation of littleneſs and inſignifi-cance, which he was now charged with, and which was illuſtrated by the elegant alluſion to rats and rat-catchers; for his own part, he could ſee no reaſon for paſſing over even the moſt trifling abuſes, except lazineſs or pride, and thoſe were obſtacles that he hoped would never ſtand between him and his duty; nor could he conceive how in the preſent ſitu-ation of this country, any perſon or perſons to whom the care of its intereſts were intruſted, could juſtify to themſelves to omit any exertion that might tend even in the moſt minute particular to promote that œconomy on which the recovery of the ſtate from its preſent depreſſed ſituation ſo much de-pended. He concluded by recapitulating the inſtances in which this ſyſtem differed from, and thoſe in which it agreed with the other, pointing out the benefit to be expected from the various deviations, and hoped the Houſe would not heſi-tate to paſs it into a law.

Mr.

Mr. *Sheridan* rose to explain. He said, he wished the right honourable gentleman, instead of answering arguments that had not been used, had confined himself to such as had. He had not said one word of the high character of the Duke of Portland, Lord John Cavendish, or Mr. Montagu, but had spoken of the minute itself, to shew that an inquiry had been ordered. With regard to its being an inquiry into such fees and emoluments as were legal, it was that, and that only; because the Board of Treasury knew that the heads of the different offices would of themselves take care to prevent any illegal fees being taken. Mr. Sheridan reminded the House, that he had stated four grand and essential points, in which the act appointing the Commissioners of Public Accounts differed from the present bill, whereas it had not been attempted to answer him but in one, and in that most feebly; as to the act for appointing Commissioners to receive the claims of American refugees, the reading of which had been so triumphantly recommended to him, it was an act that gave no powers of an alarming or an extraordinary nature, and therefore it was not of the least importance, constitutionally considered, whether the Crown or Parliament appointed the successor or successors in case of death or resignation. Mr. Sheridan.

Mr. *Burke* desired that *Magna Charta* might be referred to, and that part read which states that *nullus liber homo capiatur vel imprisonetur*, &c. While it was reading, there was a laugh on the Treasury Bench side of the House. Mr. Burke thereupon observed, that what he had desired to be read was, he believed, at this day regarded just in the same light as Chevy Chace, or any other old ballad—as fit only to be laughed at. It was, however, to him of serious importance, and he would shew that the present bill was a direct and violent contradiction to *Magna Charta* and the common law of the land. Mr. Burke proceeded to point out the clauses empowering the Commissioners to call for persons and papers, as clauses that went an extraordinary length indeed; so far even as to force persons to criminate themselves. He enlarged upon this as an infringement of the liberty of the subject, which that House, as the guardian of the Constitution, ought never to countenance. Mr. Burke.

He took notice of the Chancellor of the Exchequer's expression, that the aim of the bill was to inquire after and correct possible abuses; a better phrase, he said, he had never heard, nor one more truly applicable to the subject. Thus, he said, it was avowed that there was not any known existing necessity for the present bill, but that it was produced with a view to hunt after one. He appealed to the feelings of the House,

House, whether such alarming and unconstitutional powers as the present bill would authorise the Commissioners to exercise, ought to be trusted in any hands but upon the most urgent and pressing necessity. He animadverted also on that part of Mr. Pitt's speech, in which he had insinuated that former Boards of Treasury had been too proud and too lazy to do their duty. He declared he deemed pride and laziness two of the worst vices human nature could fall into. Pride made us arrogant and disdainful to all who differed from us in opinion, and laziness made us neglect our own duty, and suffer it off to be discharged by our deputies. The one led to high honours and large emoluments; the other made us disdain to merit either the one or the other, but induced us to revive the ancient practice of the flagellants, not indeed to lay the lash upon our own backs, but upon the backs of those under us. In the present bill there was, he said, an obvious tinge of the school in which the right honourable author had been bred. Most schools had their characteristics; thus the school of Venice was known by its colouring; the school of Raffaelle by its design, but the school he alluded to, was the school of large promise and little performance. The school where smiles and professions were dealt out liberally in the outset, but the issue was always a tyrannous exercise over menials and dependents, under pretence of great œconomy and great attention, but where the utmost probable produce from such oppressive stretches of power, could be but trifling and inconsiderable. He called the bill a slander upon the whole official establishments of the kingdom, and said, it presumed the general prevalence of the grossest peculation, corruption, and fraud, in every one of them. The public offices of Great Britain, he solemnly declared, he believed, were the best conducted, and the most free from affording real ground of censure, or criminal imputation, of any in Europe. They made a part of the national reputation, and that House ought not to suffer them to be so fouly slandered, as they were in that bill, which was clearly, not a bill of use, or a bill likely to be attended with the smallest good consequence, but a bill of idle parade and ridiculous ostentation. It was a sample of doing nothing at all, when it was pretended that a great deal was done. He took notice of the vermin abuses mentioned by Mr. Sheridan, and said, it was but too true, the right honourable gentleman opposite to him loved to hunt in holes and corners, after

> Rats and mice and such small deer
> As had been Tom's food for seven long year.

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Though the present bill was a reptile crawling in the dirt, he said, it would be found to have two strong fangs in its jaws, and would bite hard, where the Constitution ought not to be lacerated. Mr. Burke lamented that the invidious task of investigating the characters and qualifications of the three Commissioners had fallen upon him, but he said he should do his duty, though he meant to give no personal offence, nor provoke any man's resentment. He then entered into a discussion of the separate characters of Sir John Dick, Mr. Molleson, and Mr. Baring, paid each of them the highest personal compliments, but gave his reasons for declaring all the three totally unqualified to undertake and execute the duties imposed on them by the bill. Mr. Burke returned to the point from whence he set out, and said, the bill was a direct violation of *Magna Charta*, the common law of the land, and the Constitution.

The Attorney General. The *Attorney General* (Mr. Arden) rose to explain. Mr. Attorney denied having made use of an expression which Mr. Burke had imputed to him. In justification of the main stress of his argument, he desired those clauses of the act for appointing Commissioners of Accounts, which authorised them to call any persons whatsoever before them, might be read. They were read accordingly.

Mr. Rolle. Mr. *Rolle* said, he wondered not at the honourable gentleman (Mr. Burke) being an enemy to all inquiries. He reminded the House of the case of Powell and Bembridge, as a proof how well the heads of offices inquired into and corrected the abuses in the departments immediately under them. Mr. Rolle said, he hoped the inquiry into the state of the forest lands of the Crown, was not intended to be dropped. It was, he said, about to have been abandoned by the last Administration, as he well knew, by having seen a letter from Mr. Montagu, to an intimate friend of his, upon the subject. He expatiated on the state of the Crown forest lands in Devonshire, and spoke also of the Forest of Dean, urging the necessity of prosecuting an inquiry.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, that he just rose to assure the honourable gentleman, that the object he had mentioned respecting the forest lands, was uppermost in his thoughts, and as soon as the two great questions of the Irish Commerce and the reform in the representation, were disposed of, he should introduce it to the House.

Mr. Fox. Mr. *Fox* rose, not, he said, at that late hour, to take up much of the time of the House, but merely to say a word or two on some particular things that had fallen in the course of

the debate; and first, he could not help remarking the extraordinary answer given by the learned gentleman to his honourable friend's objection to the bill, on the ground of its giving such alarming and unconstitutional powers to persons appointed at the will and nomination of the Crown. The learned gentleman had referred to this, by saying, "Here is "one act, which gives Commissioners powers equally extra-"ordinary, and here's another act which enables the King to "appoint successors, on death or resignation." Mr. Fox reasoned on this strange mode of joining the operation of two acts, extremely distinct and different in their natures, merely to make out an answer to a plain objection. He replied to Mr. Pitt's remark on the conduct of the Board of Treasury, at which Lord John Cavendish sat, and said, had that Board of Treasury acted otherwise than they did, he should have thought they acted very improperly and very unwisely. To inquire into an establishment with a view to see if the purposes of œconomy could be answered by any reform, was one thing; to detect abuses and criminate parties, was another. These objects could never be obtained at one and the same time. The pursuit after each must be separate, for, when blended, success could not be hoped for. Mr. Fox reprobated the bill as an useless bill, and a bill of mere parade; but said, he hoped, when the time of its renewal should arrive, care would be taken to regulate it so as to remove the dangerous consequences that might result from the powers it vested in the Commissioners.

At length the question that the bill be read a third time was put and carried without a division.

March 9.

The order of the day for resuming the adjourned debate on the question for expunging from the Journals the resolutions authorising the Westminster scrutiny, was moved to be read; which being done,

Mr. Francis. Mr. *Francis* said, that he took the liberty of offering himself to the Speaker's notice before other gentlemen, who were more in the habit of speaking, and better intitled to be heard, for a reason which he hoped would give him a claim to the indulgence of the House for a few minutes; that during all the debates which had passed in the last and present session, on the question of the Westminster scrutiny, he had never troubled the House with one word upon the subject. Yet he might venture to say, that no man had given greater attention to the debates, or endeavoured more carefully to make him-

self

ſelf maſter of the circumſtances and merits of the whole tranſaction. But whether a proper opportunity had not offered, or whether all the topics were anticipated and exhauſted by abler hands, it ſo happened that this was the firſt moment of his attempting to offer an opinion about the Weſtminſter election, any other way but by his vote. That though he had been ſilent, he was not inſenſible of the injury done by the thing, or of the conſequences of the precedent eſtabliſhed by it. He had felt for the injury done to the gentlemen who ought to have been returned in the firſt inſtance, and who had been ſo long diſpoſſeſſed of their ſeats. He had taken part with the city of Weſtminſter, deprived of their ſhare in the Legiſlature, and taxed, heavily taxed, by a Houſe of Commons in which they were not repreſented. But theſe conſiderations were either perſonal or temporary, and therefore appeared to him of little weight, in compariſon with the wound which was given to the rights of the people at large, and to the popular part of the conſtitution of the kingdom. He confeſſed too, that there appeared to him in this buſineſs, ſomething more injurious and more affecting, than barely the injury that was done. He could not but compare the ſtroke that was given with the hand from which it came. That the reſentment, excited by an injury, had a natural and neceſſary relation to the power or to the perſon who did it. If he were a declared enemy, we were not diſappointed at any inſtances of his enmity. We expected nothing but hoſtility from him, and it was our own fault if he took us by ſurpriſe. We ought to be conſtantly upon our guard againſt him. But if, on the contrary, he were a profeſſed friend, a loudly-profeſſing friend; if, for example, the very hand, in which we were told that the people themſelves have placed the ſword, was lifted againſt them; if the power employed for their deſtruction was derived from their confidence, the common feelings of enmity would then be exaſperated by the deepeſt and bittereſt ſenſations of reſentment. With this ſenſe he believed, that the whole buſineſs of the Weſtminſter ſcrutiny had been received and felt by the nation at large. That the Houſe had at laſt ſeen the error into which they had been led, and greatly to their honour, had already taken one important ſtep towards repairing the miſchief that had been done. In this ſtate of the buſineſs, he took part with particular pleaſure, becauſe the queſtion now had nothing perſonal in it. The right and intereſt of Lord Hood and Mr. Fox were already completely provided for. The queſtion now was purely public and national, and every individual in the

kingdom had juſt as great an intereſt in it as the electors or repreſentatives of Weſtminſter. That it reſted with thoſe gentlemen who had voted againſt the ſcrutiny, or for putting a ſtop to it, or who, by their abſence had ſhewn their diſapprobation of thoſe meaſures, and unwillingneſs to ſupport them, to determine with themſelves whether a proceeding which they had pronounced to be injurious as a fact, was not equally dangerous as a precedent; whether, after cutting away the branch, they would leave the root out of which it grew; whether they would ſuffer a power to exiſt, the exerciſe and application of which they had ſolemnly condemned; in ſhort, whether, when they had done juſtice to the parties immediately concerned, they would ſuffer the doctrine to ſurvive the inſtance, and to be again applied, as it had been, either to the purpoſes of perſonal oppreſſion, or to ſhake the fundamental principles of that relation in which the conſtituent and repreſentative powers of the people ſtand to each other? Such a queſtion need only be ſtated to be anſwered, and to inſure its own deciſion. But gentlemen would be told that, if they would act conſiſtently, they muſt at leaſt ſupport the legality of what they had done; and that they would diſgrace themſelves if they admitted, that their firſt reſolution, however miſchievous in effect, was originally contrary to law; but the diſgrace of committing an error was not to be compared with that of perſiſting in it. Many gentlemen had ſhewn by their conduct, that they thought ſo. But in truth the queſtion of legality was decided. The vote which put an end to the ſcrutiny did virtually declare, that the ſcrutiny was not legal; for if it were legal, and if the High Bailiff's court were a competent court, exerciſing a lawful juriſdiction, it would have been a moſt exorbitant act of power for that Houſe to have interpoſed *pendente lite*, to have ſtopt the trial, and prevented a regular deciſion of it. If the ſcrutiny was legal, Sir Cecil Wray's claim to the judgement of the court on the merits of his cauſe, was a claim of right, of which nothing but violence could deprive him. Was there any other court of juſtice in the kingdom whoſe proceedings between party and party could be ſtopt by a vote of the Houſe of Commons? That vote at once pronounced upon the incompetency of the court, and the illegality of the proceedings. The Houſe, by its own act, had eſtabliſhed the premiſes on which the motion was founded, and could not, without inconſiſtency, or ſomething worſe than inconſiſtency, refuſe their aſſent to the concluſion. The preſent motion called upon their honour, upon their juſtice, and upon their conſiſtency,

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to determine, that a proceeding which they had pronounced to be a violation of right in the perſons of Lord Hood and Mr. Fox, and in the perſons of the electors of Weſtminſter, ſhould never be attempted hereafter againſt any other city, or any other individual. In the courſe of this night the Houſe would hear abundance of legal and technical argument, more likely to perplex than to enlighten their minds; he, therefore, humbly recommended to thoſe gentlemen, who, like himſelf, were not learned, to aſk their own underſtanding what was reaſonable, to aſk their own conſcience what was juſt, and leave it to the learned profeſſion to prove, if they could, that that, which was neither juſt nor reaſonable, might, nevertheleſs, be perfectly legal. As for his part, he conſidered the firſt proceeding of the Houſe as not only involving an unjuſt deciſion, and therefore to be reverſed, as not only laying the foundation of dangerous principles, and therefore to be removed; but as fixing an imputation on the juſtice and honour of the Houſe, which, therefore, ought to be utterly done away, and no traces of it left: that the record, in which it ſtood, would otherwiſe be a perpetual reproach to the integrity of the Houſe, and degrade their character in the opinion of poſterity.

Mr. *Baſtard* agreed, that the Conſtitution had been wounded by the reſolutions which maintained the legality of a ſcrutiny after the return of the writ. To heal the wound that had been given, there appeared to him to be but two ways,—one was by expunging the reſolutions directing the High Bailiff to carry on the ſcrutiny; the other was, by paſſing a law to prevent the poſſibility of ſcrutinies in future after the return day of the writ. If he ſhould hear from any of the confidential friends of Government, that they had in contemplation to bring in a bill for that purpoſe, he ſhould hear the intelligence with a great deal of ſatisfaction. But, in the mean time, it became him to do what depended upon him, to vote for the expunging of the reſolutions. They were a monument of the folly of the Houſe, and could not be too ſoon removed. Mr. Baſtard.

The *Attorney General* (Mr. Arden) roſe to defend Adminiſtration and himſelf, for the part they had taken in paſſing thoſe reſolutions, from which gentlemen ſeemed to apprehend ſo much danger. Upon the legality of the ſcrutiny he had already given his opinion, he was ready to repeat it, and to ſtake upon it, his profeſſional reputation: He maintained then, that though in general (for he was willing to concede this to the other ſide of the Houſe) a return of members ought to be made on or before the day on which the writ was returnable, yet circumſtances might poſſibly ariſe which would The Attorney General.

warrant

warrant a departure from this rule, and justify the carrying on of a scrutiny, even after the meeting of a new Parliament. The proposition maintained by the enemies of the scrutiny was too general, for it went the length of declaring, that in no possible case could an election be carried on after the meeting of a new Parliament. In his opinion, cases might arise in which the Returning Officer would be fully justified in continuing his poll after the return day of the writ should have elapsed. He supposed, for instance, that the Sheriff of Yorkshire having proceeded to take a poll, and by manoeuvres of the candidates it should have been so protracted, that not a fifth of the freeholders should have polled before the day on which his writ was returnable; in such a case, he asked, if the Sheriff was to return those who had a majority on such a poll, whether they could be really called the representatives of the freeholders of that large county? He contended, that the Sheriff would more strictly obey the spirit of the writ by proceeding with his poll than by returning persons who could not be called the representatives of a people, four fifths of the freeholders of which might not have had an opportunity to give their suffrages.

The differences between the two sides of the House seemed to consist in the latitude given to the positions by both. He would not admit the very general proposition, that no possible case could occur in which a scrutiny, carried on after the meeting of Parliament might be justifiable; and he contended only for a very narrow proposition, that there was a possibility that such a case might occur. He did not expect, that on this day it would be thought necessary for him to defend the legality of a measure which had already undergone so very serious, long, and solemn an investigation; and which was sanctified by so great a majority as 280 odd to 136; and here he moved, "that the clerk should read the resolution of the 24th "of May last:" [Which was done, and it appeared that the Attorney General was correct in the statement of the numbers;—but Lord Surrey having desired that the clerk would read over what question the sense of the House had been taken on that day, it was found, that it was on the previous question, and not on the merits of the original motion.]

Mr. Attorney General said, he must continue to fortify himself behind this great majority, and maintained, that if any part of the precedings was to be expunged, the whole of them ought to be erased from the journals; consequently the question must be, that those who had composed the vast majority were called upon to confess themselves to have been either

ſufficiently corrupt to vote for a meaſure which they knew to be illegal; or ſo fooliſh as not to have known whether they were right or wrong. The adjourned motion then under conſideration, had, therefore, for object, to make thoſe gentlemen confeſs their ignorance or corruption, and to make the *amende honorable* for their paſt conduct: he might ſuppoſe, therefore, that if they concurred in the motion then before the Houſe, they would all appear next week in white ſheets in Weſtminſter Abbey, to do penance for what they had done. He went into an enumeration of the proceedings in the whole of the buſineſs, and anſwered various other arguments which had been uſed in former debates. He was aware that it would be very unpleaſant to the Houſe to hear law arguments in ſupport of the ſcrutiny, and conſequently of thoſe reſolutions which it was the object of the gentlemen on the other ſide of the Houſe to have expunged: but ſtill he thought it his duty, however unpleaſant the aſk, to urge ſome arguments which brought conviction to his own mind on the ſubject. Several arguments had been drawn, from *analogy*, to ſupport and to condemn the ſcrutiny: for his part, he was ſatisfied, that thoſe which were to ſupport it were the ſtonger. In the court below different opinions might prevail with reſpect to certain circumſtances relative to writs; he was ready to admit, that a Sheriff, impowered by a writ to arreſt a man for debt, had no authority to make the arreſt on any day after his writ was returnable; but this caſe was very different from that in which a Sheriff ſhould have actually begun to obey his writ, without having had time to complete the exigence of it, thus, for inſtance, if a Sheriff ſhould, under the authority of a writ, ſeize the goods of A. B., and he ſhould afterwards be informed that they were not the property of A. B. but of ſome third perſon, he would be juſtifiable in iſſuing a writ *de proprietate probanda*, even at the very eve of the day when his own writ was returnable; ſo that he muſt make a return before proof could be made to whom the property really belonged; yet, upon returning this ſpecial circumſtance to the court, that he was actually employed in the execution of his writ, the court would enlarge the term, and give him time to proceed in his inquiry to whom the property really belonged. This was an analogous caſe to that of the High Bailiff, who, finding it difficult for him to determine who had the legal majority of votes at the Weſtminſter election, had reported the ſpecial circumſtances of the caſe; and the Houſe did what the courts below did every day, it gave him leave to proceed in the meaſure which appeared to him to be neceſſary to determine

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mine who were the legal representatives for Westminster. From analogy, the gentlemen on the other side went to acts of Parliament; but, in his opinion, with no better success. The act of Henry VI. indeed, gave an action against a returning officer, who should neglect to make his return in due time; and enacted, that the action should be brought in the space of three months from the meeting of Parliament. But a moment's reflection would shew that the case of Westminster was not within that statute; for there the question was, not of a returning officer who, during a scrutiny, held over the return, but who, after the election was concluded, neglected to make his return. It was clear that the Legislature, by not having made at that time any regulation relative to a scrutiny, had not an idea that it was possible means could be contrived for protracting a poll to the very day of a return, or a scrutiny to any length that might be thought adviseable by a candidate. When the 6th of Henry VI. was passed, there was no poll at all; at least there was no written poll. [Here Mr. Ellis shook his head, as if disapproving of the assertion.] Mr. Attorney, observing this, said, the right honourable member seemed as if he would be thought to have lived at the time spoken of, he appeared to be so well acquainted with what was, or, rather, what was not, the practice at the time alluded to. He then pursued his former observation. In those early days, he said, when the right of voting was confined to persons possessed of freeholds of the value of forty shillings a year, an elector was as well known in a county as a member of Parliament at the present day; and consequently there was no occasion for a scrutiny when each man's right of voting was well known to the rest of the freeholders assembled in the county court. In those times the Sheriff was obliged to proceed to an election in the first county court held after the receipt of the writ; so that it frequently happened that the writ having been received only a few days before, the freeholders met in the Sheriff's court without knowing beforehand that there was to be an election of knights to represent them in Parliament, consequently there was no room for a canvass; and as the right of each freeholder to give a vote was known to every other in the county court, there was no occasion for a scrutiny; the business of the election was therefore soon over. Some names were proposed, and the sense of the meeting was taken upon the nominations; the reckoning of heads on the occasion was the origin of a poll. In after times,

times, the right of voting becoming less known, it was necessary to take the poll in writing, and thence a scrutiny naturally sprung. But no necessity appeared that a return should be made in all cases on or before the return day of the writ; for this return had been ordered by the act of Henry VI. seemingly for the sole purpose of making Sheriffs return their writs as soon as they were executed; a thing in which, it would seem from the statute, they were not very negligent in doing before the passing of that law. But if gentlemen would contend that the return ought to be made immediately after the writ was obeyed, they would find a difficulty not easily to be removed, in the case of an election begun during the sitting of a Parliament; for though, by a more modern statute, a return in such case must be made within fourteen days after the election, yet the meaning of the word election might not be so easily ascertained: most people were agreed that a scrutiny was a continuation of the poll, which was the election; therefore, if the scrutiny was part of the election, the return need not be made till the conclusion of the scrutiny, and if all candidates were as ingenious as some had been of late, the election might be made to last as long as the Parliament.

An honourable member had said something of the propriety of a law to prevent a repetition of what had happened with respect to the late election for Westminster: he concurred with him most heartily on that head; for, however unnecessary he might formerly have deemed a new law, where the old was sufficiently explicit, he was now of a contrary opinion, having seen the various manoeuvres that had been used to protract both the poll and the scrutiny: he himself had for some time past entertained presages that the House would be obliged to put an end to the scrutiny, however legally instituted. He had seen that a candidate had been dexterous enough to protract the poll to the very last day before the return, so as to make it necessary that a scrutiny should be carried on after the meeting of Parliament; and he was then no less dexterous in defeating the scrutiny by similar manoeuvres; so that it would seem as if he had argued thus with himself:—"I will take care, in the first "place, that a scrutiny shall be necessary; and in the next, "that it shall not be carried on; for I will throw such ob-"stacles in the way of it, that I will make the House hear-"tily sick of it." The consequence of this was, that the House was driven to this alternative—either to carry on the

ſcrutiny with all its delays, and keep Weſtminſter unrepreſented, perhaps, during the whole Parliament, or elſe admit a perſon to ſit for that city who, there was reaſon to think, was not its legal repreſentative: *ex duobus malis minus eligendum:* of theſe two evils the latter was the leſs, and the Houſe had adopted it. But it would be a hard concluſion indeed, if, from this circumſtance, this flexibility of the Houſe, it ſhould be inferred, that, becauſe it had embraced a leſs evil, by putting an end to the ſcrutiny, it followed that the ſcrutiny had been illegal from the beginning. This was an inference that he, for one, would never countenance; and therefore he was determined to give the moſt direct negative to the motion for expunging the reſolutions from the Journals.

Mr. W. Ellis. Mr. *W. Ellis* ſaid, he felt himſelf called on by ſeveral hints which fell from the learned gentleman, and he was happy in having an opportunity to anſwer ſuch part as he could remember; but the learned gentleman had been ſo exceedingly long, and entered ſo much into the hiſtory and acts of Parliament, that the Houſe muſt forgive him if he did not entirely recollect the whole. In the firſt place, he by no means conſidered the Houſe guilty of any wilful intention to ſubvert the Conſtitution, when they agreed to the Reſolutions on the 8th of June laſt, but that they were bewildered and loſt in the multiplicity of law arguments (if arguments they might be called) which were uſed on that day on the analogy of writs in other caſes, and the particular care that was taken to confound the difference between a writ iſſuing for a new Parliament, and a writ iſſuing to fill up a vacancy. In the firſt caſe the very words of the writ mentioned that a Parliament was to be called "for the welfare of the State;" of courſe a returning officer was bound to make his return, that the Parliament ordered to meet by the King's writ to conſult for the welfare of the State, might be ready at the time ſpecified. But, in the ſecond inſtance, where a writ was iſſued to fill up a vacancy, it was done for no other purpoſe than to make that Parliament, already choſen, as complete as poſſible: and he deſired the Houſe to recollect, that if the cuſtom was allowed, of permitting conſcientious returning officers to withhold their returns in one inſtance, it might, on a new Parliament being called, be done in many, and the grievance then would be extremely ſerious indeed. In that caſe it might happen on the commencement of a Parliament, that when the

the King commanded the attendance of the Commons to open the ſeſſion, there might be no Commons, and the Parliament could not be holden. Now, one material part of the law of the land was precedent, and it was a miſerable thing for the oppoſite ſide of the Houſe, that they had not a ſingle precedent to bear them out, wherein a returning officer, at a general election, had ever dared, or was ſuffered to withhold his return. With reſpect to the obſervation made by the learned gentleman, of the law of Henry VI. and that poſſibly he might have lived at the time, he allowed that he was extremely old, but not quite old enough for that: however, the pains taken by the learned gentleman to lay down that law, made it equally probable that he had lived in that time; and in that part wherein he ſtated, that no written polls were then taken, he perfectly agreed with him, and that a forty-ſhilling freeholder then was as much known in his own county as a member of that Houſe was within the walls; but the analogy did not perfectly hold good, for in thoſe times the Houſe had no power to fill up vacancies; and although he might agree with him that a ſcrutiny was a continuance of the original poll, yet, at the ſame time, that ſcrutiny muſt be begun and finiſhed before the exigency of the writ expired. As to the remark made by the learned gentleman, that he at firſt foreſaw how the ſcrutiny would end, he aſſured him, that he ſaw it in the ſame light, and he believed that every other perſon in the Houſe did the ſame; but he little expected that the excuſe for carrying on the deſtructive meaſure would have been ſaid to grow out of the common law of the land. He confeſſed himſelf a ſtrong friend to our ancient laws; and one excellence there appeared in them, that the moment we attempted to wander from them, that very inſtant we found ourſelves greatly embarraſſed. He appealed to the feelings of every perſon in the Houſe who repreſented a populous county, city, or town, and ſtated to them the extreme danger they would be in at a general election, if this doctrine was allowed, if they were hoſtile to the Miniſter; and he deſired them to conſider that the Houſe having already put an end to the ſcrutiny, was a ſtrong proof that they ſaw their original proceedings had been wrong. He urged them therefore to the wiſdom and neceſſity of expunging the proceedings from the Journals, that the dangerous precedent might not be eſtabliſhed. It might be deemed, he ſaid, a magazine of miſchief.

Mr. Powys. Mr. *Powys* ſaid, he was happy the debate had been adjourned from the time it was agitated, as it gave time for perſons' tempers to cool; and now he did not hear any perſonal invective againſt his right honourable friend, which, in a former debate, was ſo diſgraceful to thoſe who made it; for if invective was neceſſary to be urged, why was it not equally beſtowed on the other candidates as well as Mr. Fox? However, now the queſtion was free from party, and materially concerned every perſon in the Houſe; it was the cauſe of the electors of Great Britain; and one good would reſult from the reſcinding of the reſolutions; it would leave the law as it ſtood a year and a half ago, and he was well content with it in its original form, without any comment; therefore if this alteration, if this comment on the text was to be conſidered as the firſt fruits of the plan of reformation, he had much rather ſee the original tree. The injury had been done by the Houſe, and he truſted the vote of to-night would do juſtice to the electors of Great Britain, by expunging from the Journals ſo pernicious a vote. He mentioned the ſtrong expreſſion of a noble Lord on a former day, who had ſaid, if the Houſe reſcinded the Reſolutions, they would ſign their death warrant as a Houſe of Parliament. By that, he ſuppoſed, was meant a menace of another diſſolution. Be it ſo. He took notice of the law arguments of the learned gentleman who ſpoke laſt, and thoſe formerly urged by a learned gentleman, to whoſe authority he had referred the Houſe. The laſt learned gentleman, he ſaid, appeared as if he felt himſelf to be the keeper of the conſciences of the majorities of that Houſe. Mr. Powys mentioned the ſuggeſtion of a bill, but gave the preference to the preſent motion. He ſaid, they knew not that the other branches of the Legiſlature would conſent to paſs ſuch a bill. The object was their own rights, and the rights of the electors, of both of which they were conſtitutionally the guardians. Let them act, therefore, for themſelves firmly and wiſely, and exerciſe the power in their hands, rather than rely on others, who might not be diſpoſed to act for them.

Mr. Anſtruther. Mr. *Anſtruther* ſaid, there was ſo much queſtionable argument in the mode of defence ſet up by the other ſide of the Houſe, that he owned himſelf anxious to give ſome reaſons to the Houſe for the vote he was about to give. The point was, in his opinion, a point of pure law: ſeveral learned gentlemen had already ſtated their conceptions of the law laid down on the ſubject. His judgement, ſuch as it was,

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he would therefore deliver, with all possible deference to those of the profession, who either had or would again differ with him on it. There appeared to him not much intricacy or difficulty in the matter apart from what the subject had been connected with, from the party view which had mixed themselves with its discussion, and from the personal sarcasms which had disgraced the debate. He was bold enough to assert, in the face of all the greatest authorities which he saw in the House, that nothing unfavourable to this new doctrine of a scrutiny, carried on and extended as that of Westminster had been, could be pointed out either in the statute book or in the common law of the realm. It was in vain for him to search after acts of Parliament, or precedents from the Journals of the House, in order to guard against a false construction of the former, or the latter, for in fact there were none. And were it possible for him to suppose the House capable of resisting the present motion, that which would remain in their books would descend to posterity, and record the injustice by which the resolution was established. He then stated what the law in all such cases was, and how inapplicable it had uniformly been to all the proceedings which had distinguished the scrutiny and its abettors. The custom was well known. All returns were to be made by an indenture between the Sheriff and the Mayor; and the writ which authenticated that return limited it to a specific time. This was the common law of the land respecting elections, and the duty of those entrusted with the execution of the King's mandate for that purpose. He desired therefore to be informed how such a law could apply, either for defending the legality of the scrutiny, or vindicating the resolution of the House, which stamped such a proceeding with an appearance or semblance of authority. It was not, as it pressed upon his mind, within the reach of human ingenuity to reconcile the theory of law with the practice of the House of Commons, so far as it was interested in the present business; and what chiefly confirmed him in this opinion was, not only the incompetency of the court, which had been created on purpose to assert this illegal measure, in opposition to the rights and feelings of freemen, but the incompetency of the law itself to the purpose, for which an attempt had been made to stretch or extend it. The case in fact involved so many strange circumstances, pointed to such an absurd and impracticable object, and was so little calculated to answer any valuable or desirable end,

end, that our laws had made no ſort of proviſion whatever for ſuch an exigence as it holds out. They never ſuppoſed the caſe poſſible. To give it validity or importance, new laws muſt be made, old precedents aboliſhed, and the whole mode of accompliſhing the buſineſs of elections not merely revived, but literally altered or changed into quite another form. But the whole complection of this buſineſs afforded, to his mind, an argument, which carried conviction along with it in a very forcible manner. He deſired but to refer to the files of the Houſe, on which the returns were placed, to be ſatisfied that the greateſt irregularity had taken place, and marked every ſtep which had been taken in conſequence of the reſolutions which he wiſhed reſcinded. Was there any other caſe, he aſked, in which its parallel could be produced? He knew there was none; and it would mark the conduct of the gentlemen on the other ſide of the Houſe, while it remained to be occaſionally canvaſſed. But whence this impropriety? Why was it ſo ſingular? Why in all our parliamentary records was it the only inſtance? He knew no other reaſon but that the plain good old path was a beaten one, and therefore in all reſpects perfectly obvious, ſtraight, and ſafe. It ſtrongly corroborated this reaſoning, that in the ſingle caſe in which the practice of our anceſtors had been departed from, nothing but error, irregularity, and perplexity enſued. Our forefathers left us no example of this informality, and it would ill become us to miſlead our poſterity by a mode of acting, for which we had no precedent either in the preſent or former times. He hoped gentlemen would give ſome attention to this reaſoning. He thought it perfectly in point, and he had a right to urge it with all the earneſtneſs and ability in his power. He did not underſtand the meaning of the argument, that, becauſe once wrong, it was a duty to continue wrong always; this put an effectual end to all reformation or amendment. He was ſure, in appealing to the feelings of gentlemen, he ſhould be underſtood, when he ſaid that no man of true honour would perſiſt in aſſerting or defending any thing which he had reaſon to think had been adopted precipitately, or without due conſideration; and where were perſons of this diſtinction to be found or expected but in that Houſe? He begged of them to preſerve the dignity of the Houſe, the reſpectability which had always attended their proceedings; the right not of any individual, but all individuals; not of the city of Weſtminſter, but of all the cities in the kingdom;

dom; the queſtion was general, and this night's deciſion would have a general effect; and if ever men were called upon to decide impartially, and according to the beſt of their judgements, it was now.

The *Maſter of the Rolls* (Sir Lloyd Kenyon) ſaid he was not a little averſe, from the beginning, to take any part in this debate; for it hitherto happened, that he had not met with that reſpect which he thought his conduct, whatever his opinions were, entitled him to. The gentlemen on the other ſide of the Houſe had treated him with perſonalities, which he did not like, and which did them at leaſt as little honour as him. It was not long ago ſince an honourable gentleman (Mr. Montagu) conteſted his right to a ſeat in that aſſembly; the ſame kind of ſarcaſms had been pretty frequent from others in the ſame way of thinking; and to-night he had been told that he was the keeper of the conſcience of the majority of the Houſe; how far he was entitled to ſuch an appellation, the honourable gentleman beſt knew who beſtowed it; but he would appeal to the Houſe, whether ſuch a line of debate became them. If that honourable gentleman had conceived any diſlike or averſion to him, it would have been more manly and candid to have mentioned it fairly and privately, than to come to the ſenate and throw out whatever he conceived to be moſt diſreſpectful. He could aſſure that honourable gentleman that he ſhould always be found at home, and that whatever way he put his objections, they ſhould meet with ſuch an anſwer as he thought it his duty to give. He would alſo take the liberty of telling him, that he had as good a right to ſpeak his mind—that he was as independent a member of Parliament—that he was every way as honeſt a man, and as ſincerely deſirous of doing his duty to the beſt of his abilities, as that or any other honourable gentleman in the Houſe. But why were theſe attacks ſo conſtantly levelled at him? If they conceived that, by that means he was intimidated from either declaring his attachment to the truth, or acting as he conceived his own conſcience, and the laws of the country directed him, they would find themſelves, he truſted, completely deceived. Much as had been ſaid on the law part of the queſtion, nothing had yet reached his ears which in any degree invalidated the opinion which he had the honour of ſtating to the Houſe on a former occaſion. He did not think it neceſſary now, however, to go over that ground again. He was not at preſent diſpoſed to quote caſes, or cite books, as he had then been obliged to do; ſtill leſs ſhould

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ſhould he be under the neceſſity of having recourſe to the technical phraſeology of the ſcience. And if ever he was obſcure or abſtruſe on the ſubject, it was more on the account of others, than any difficulty which had occurred to him on the ſubject. For, indeed, he had always conceived it to be a very clear and intelligible point. It was no more, in his idea, than, that a returning officer had done that which the law which preſcribed the duty muſt be ſuppoſed to have allowed him for executing it; that is to ſay, he had taken the neceſſary time to do the buſineſs. This was the preciſe light in which it had always ſtruck him. The great facts he had ever conceived to be, that the poll was protracted to ſuch a length, as precluded the returning officer from that time before the expiration of the writ, in which he ought to have made up his mind on the ſubject. The honourable gentleman went into a detail of caſes, proving the neceſſity of allowing deliberation for the executive officer to mature his judgement. This he contended was implied in every writ directed, with an intention to procure an election of a Knight or Burgeſs to ſerve in Parliament. He applied himſelf to refute the arguments of the learned and the honourable gentleman who preceded him; and he urged the Houſe not to abandon that plain line of conſiſtency to which it was their higheſt honour in all caſes to adhere. He warned them againſt the force of that eloquence, however powerful, however unanſwerable, which had ſo often been employed on this ſubject; and he doubted not, would again be employed to impreſs gentlemen, with an idea of perſonal perſecution, of ſomething mighty unconſtitutional in the whole of this buſineſs. He begged they would recollect, that when the reſolution was moved and voted, which it was the object of the oppoſition now to reſcind, that they were fully convinced in their own minds. The queſtion was no longer of a kind to bear hard on any individual whatever. It was now general, and had a general aſpect. Why, therefore, depart from what had already been done deliberately, cooly, and from conviction? What other purpoſe could be anſwered by reſcinding this reſolution, than ſwelling the triumph of thoſe who had then differed from them. Thoſe things, he truſted, would have their effect when maturely weighed. Much had been ſaid about the honour and dignity of the Houſe, but in his mind, there was no other mode of preſerving it, than by firmly reſiſting the preſent motion. He thought it was not very likely, that gentlemen who had come to the queſtion with fair and upright minds,

minds, prepared to be guided only by the best of their judgements, were at this time very likely to conceive differently of what they had so fully informed themselves. He begged pardon of the House for having intruded so much on their time; but this much he thought it incumbent on him to say, as he had been so frequently called upon by gentlemen on both sides of the House.

Mr. *Scott* said, he was one of those who had voted against the first proposition moved by a learned friend of his, now on circuit (Mr. Lee) that the High Bailiff ought to have returned two members, on or before the return day of the writ; and he would not be at all ashamed to vote this night for the expunging the whole of the resolutions of the 8th of June last. When he voted against the proposition of his learned friend, it was not because he thought the scrutiny legal after the return of the writ, for he had all along been convinced of its illegality; but because the proposition had been so worded that he could not give it his approbation in that form; but his objection was merely to the form; and therefore he approved of the vote of Friday night last, which had put an end to a measure the most repugnant to reason and to law. At the same time that he condemned the scrutiny, he would be sorry that any one should suppose he meant to impute any improper motives to those who had voted for it; he was willing to give them credit for purity of intention; they were wrong only in judgement. They had a very unnecessary tenderness for the conscience of the High Bailiff, which they said they would not torture, by compelling him to make a return before he should have thoroughly investigated and scrutinized his poll; but surely his oath did not bind him to any thing more than to make his return to the best of his judgement, in the time allowed to him by law, to satisfy his conscience: and to make him do this in a short time would not be to torture him more than a common juryman's conscience was when he was obliged to find a verdict before he was permitted to eat; for his part, notwithstanding all that had been said about the tenderness of his conscience, he believed he would have been satisfied in a short time, if he knew that until he should have done so, he should not be indulged with bread, beef, or porter, fire or candle light. Indeed the prompt obedience he had paid to the order of the House, communicated to him in consequence of the vote of last week, shewed that his conscience was not of the most delicate texture; for as it would have been tyrannic in the House Mr. Scott.

to attempt to force his conſcience, ſo it would have been unchriſtian and immoral in him to violate his conſcience, merely to obey an unjuſt order; but he did not require, it ſeemed, much time to make up his mind when the Houſe commanded him; why then ſhould he not have paid as prompt an obedience to the mandate of the King's writ? if it was conſcience that had prevented him in the latter caſe, it would have equally prevented him in the former; and he would have ſcrutiniſed his whole poll, before he would have obeyed either King or Houſe of Commons, in what he thought againſt his conſcience. He confeſſed he did not like that conſcience in returning officers, under colour of which they might prevent the meeting of Parliaments for ever; for if the King's writ was not to be literally and punctually obeyed by all, there would be at beſt but a rump of a Parliament to meet. Returning officers might make ſpecial returns, and the papers containing them, being laid upon the table of that Houſe, the Uſher of the Black Rod would find no other members than thoſe ſcraps of papers to ſummon to the bar of the Houſe of Peers, to attend his Majeſty. The Conſtitution had wiſely veſted the King with the prerogative of calling Parliaments when and where he pleaſed: if the choice were left to the People, one part might incline to meet in one place, and another in another: one part at one time, and another at a very different one. To prevent ſuch inconveniences, the King was made the conſtitutional judge of the time and place of meeting; but if returning officers might protract elections to any time they pleaſed, it would be in vain that the King was veſted with a prerogative, which it would be in the power of every returning officer to defeat and deſtroy. Mr. Scott then took a view of the different ſtatutes for regulating elections, down from the reign of Henry IV. to the preſent reign; and by expounding one by another, he ſtated that they all ſupported this doctrine, "That the election muſt be "finally cloſed before the return of the writ, which muſt be "made on or before the day ſpecified in it." However, notwithſtanding the clearneſs of the law on this head, he ſaw, from what had lately happened, that there was a neceſſity for ſome additional law, to put it out of the power of future Miniſters to keep counties or towns unrepreſented, under the colour of ſcrutinies, or candidates from haraſſing each other, and of returning officers from throwing obſtacles in the way of the meeting of Parliaments. This, however, might be a work of time; the expunging of the reſolutions actually under

under consideration, ought to be the work of this night; and the measure should have his hearty support.

Mr. Scott having in the course of his speech mentioned the circumstance on which the Downton Committee had decided their petition, viz. on there not having been sixteen seals to an instrument, by which sixteen voters held their qualification, Mr. Drake rose to call upon the House to support the decision of fifteen of their own members who had decided upon their oaths, and in such a manner as they had no reason to be ashamed of.

The Attorney General said a few words in explanation.

The Earl of *Surrey* expressed his regret that the learned gentleman had not mentioned his opinion of the state of the Westminster scrutiny when the subject was first agitated, as it might possibly have so operated, as to render the motion unnecessary, on which he seemed now to entertain so many objections. He wished to suggest to another learned gentleman (Sir Lloyd Kennyon) that on every subject of a parliamentary nature, when one gentleman disapproved of the conduct of another, the House was undoubtedly the only proper place for final conclusions. He was, therefore, inconsiderate in requiring that explanations on such a subject should be made out of doors. He observed that the learned gentleman had mentioned a circumstance, related by him to the House, on the night the subject of the Westminster scrutiny was last agitated, to prove that the reasons then advanced to induce them to terminate this proceeding, were founded merely on expediency. To this he would reply, that in mentioning this circumstance as an instance of the absurdity and incompetency of that tribunal, it was not to be concluded that he deserted the argument of its illegality. Instead of diminishing this objection, instances, such as those adduced by him on that occasion, were strong corroboratives of its illegality. The question had hitherto been discussed legally, and upon professional grounds. If the House would give him leave, he would look at it in a political point of view, and that, he said, was, in his opinion, the ground upon which it had originally been taken up by the other side of the House, for he verily believed, had there not existed a political contest there, the Westminster scrutiny would never have been countenanced. In the case of the Middlesex election, had any other man than Mr. Wilkes been the successful candidate, the House, he verily believed, would not have proceeded to the expulsions, and all the other measures they were induced to take. So in the case of Westminster, had not his right honourable friend been the

The Earl of Surrey.

the party, he was pretty well convinced that Houſe would have heard very little about the matter. He hoped, however, as in the former caſe, good would come out of evil. To the Middleſex election Mr. Grenville's bill owed its origin, he hoped a bill equally ſalutary would be the conſequence of the Weſtminſter election. He then defended himſelf on the ſcore of conſiſtency, on the former ground, he had no doubt, the right honourable gentleman oppoſite to him (Mr. Pitt) would diſapprove this motion, but he truſted thoſe gentlemen who, from a conviction of the illegality or inefficacy of the ſcrutiny, had voted for its diſcontinuance, would, on this occaſion, come forward, and obliterate from their journals the memory of ſuch a tranſaction.

The Solicitor General

The *Solicitor General* (Mr. Mac Donald) contended that returning officers were not bound in every poſſible contingency to make a return of their precepts on the preciſe day required by the exigency of the writ. He ſaid that extreme caſes had been put to ſhew, that by corrupting all the returning officers of the kingdom, they might, by inſtituting ſuch proceedings as thoſe of the High Bailiff of Weſtminſter, keep this country without any Parliament at all. But he would avail himſelf of the example ſhewn on the other ſide of the Houſe, and put what was alſo an extreme caſe, though equally applicable with that now ſtated; ſuppoſe in the conduct of elections, matters ſhould be ſo contrived as to procraſtinate the poll till the laſt day, and by ſupplying it with perſons who had no title to vote at elections, the greater number of real ſuffragants ſhould be unpolled at the time of the expiration of the writ, would any perſon ſay, that a ſet of raggamuffins, forced in upon one of the legiſlative branches of this kingdom, would be a ſpecies of repreſentation, in any reſpect better than the total abſence of any Parliament. As the diſadvantages were ſo equally balanced, on arguing *ab inconvenienti*, on both ſides, the Houſe would eaſily perceive that nothing was gained by putting caſes ſo remote, and which in the reaſon of things could never happen. He ſaid the writ had more than two objects; it had three. It commanded the returning officer to proceed at a given time and place to elect a burgeſs, and to take care that the candidate having the majority of legal votes was the party returned. Mr. Solicitor ſaid, the ſingle inſtance of a Reſolution having been expunged, was in the caſe of Dr. Noel, who had received the thanks of the Houſe for a ſermon preached on the 30th of January, the vote of which thanks was afterwards ordered to be expunged.

Sir

Sir *James Johnstone* thought the present motion perfectly unjustifiable, when he called to mind that on a former occasion a relation of his had been committed to Newgate for only doubting the legality of a scrutiny. He said, if the House were to pronounce what was, and what was not law, there was an end of the legislation of Parliament, of the Courts of Judicature, and of the liberties of Great Britain. Sir James Johnstone.

Sir *Gregory Page Turner* gave his reasons for adhering to his former opinions, and voting against the motion for expunging the proceedings.

Mr. *Bearcroft* began by stating the representations made by the right honourable gentleman now personally concerned in this business, both in and out of the House, of the severe persecution he suffered, pointing himself out in the most amiable of all lights, that of a poor and virtuous man struggling with adversity. In respect to what had been said on law; good law, in his opinion, would bear stripping, and always looked most handsome when it was plainly dressed. He said, that there could not be a precedent and a judgement in a case that had never happened. Time, which altered every thing, had altered the mode of elections: but the election itself still must be, and still was, on the same principle. He desired to resort to no stronger fountain than the writ itself. He then said, that divesting his argument as much as possible of the trappings of techinal expressions, and translating the law into plain and intelligible language, he would lay before the House a clear statement of all that had been said on both sides of the question. He then proceeded to explain what an election was, and, from various premises, drew the conclusion, that a scrutiny was in every respect a part of the poll. If, then, it was part of the poll, it was in vain to dispute now of its legality. He then adverted to the act of Henry VI. and said that the right honourable gentleman had complained that he was deprived of the benefit of this statute in recovering from the returning officer the sum of forty pounds, which by the act was not recoverable, except sued for in three months after the return of the writ. To make him easy on this subject, which seemed to him of some importance, he would make him a present of a statute which would recover sixty thousand pounds for him. For the provision of the statute of the 9th of George II. was, that on an action of trespass, on the case for a false return, the officer, on conviction, was obliged to pay double costs, which, according to the right honourable gentleman's estimate that the scrutiny had cost 30,000l. would amount to the sum he first mentioned. But from the Mr. Bearcroft.

complection

completion of ſuch a caſe, he believed, the right honourable gentleman would ſcarcely venture on ſuch a proceeding; and as to the preſent motion, he conceived it to be the higheſt inſult that could poſſibly be offered to the Houſe.

Mr. Adam. Mr. *Adam*, before he proceeded to ſtate his opinion on the queſtion, begged leave firſt to caution gentlemen againſt the impreſſion, which in the courſe of the debate was ſo frequently recommended to them, that to agree in the motion now before them, would be an inſult on their underſtandings and proceedings. This was far from being the caſe, unleſs they ſhould conſider themſelves diſgraced in correcting the errors of an inconſiderate and haſty judgement. If ſuch a conduct implied a cenſure on themſelves, it was already incurred by their late determination on the ſubject of the ſcrutiny. But the proceedings of the Judges in the courts of law, ſufficiently ſhewed this ſpecies of conduct never to have been conſidered as degrading or diſhonourable; for though it was thought proper to conſider their determinatious over and over, till complete juſtice was obtained, and from the purſuit of the ſame object, he had every reliance that the Houſe of Commons would not be diverted by any extravagant and unjuſtifiable ideas of diſparity and conſiſtency. In the [illegible]t place, to ſhew that there was no analogy between the caſes on the ſubject of writs iſſued from the courts of law, and the writ in queſtion now, he would only mention, that in the former caſe, many of the writs were not returnable again to the Court, as the execution of the writ in theſe caſes was the completion of the law. Of this kind were writs of *fieri facias*, *capias ad ſatisfaciendum*, &c. From this it was evident much time had been thrown away in arguing by analogy between writs iſſuing from the courts of law, of which, in ſome caſes, no return need be made, and thoſe writs, on the return of which every object depended. When there were in any ſtate co-ordinate and equal powers, it muſt always be held as a maxim that to fulfil any good purpoſe, it was neceſſary they ſhould not claſh or counteract each other. But in the proceedings of the Houſe on the ſubject of the ſcrutiny, they aſſumed a legiſlative power, in extending the duration of a precept which did not originate with them. By the law and conſtitution of this country, the power and diſcretion of calling a Parliament was veſted in the executive Government. The writs were iſſued from His Majeſty's High Court of Chancery, and he wiſhed to know what authority this Houſe had to interfere with the prerogative in one of its moſt important rights, and how it could admit the ſame power of interference

terference and abſolute counteraction to all the Bailiffs and returning officers throughout the kingdom. Till theſe jarring and diſcordant principles were removed, he held it impoſſible that the Conſtitution ſhould be reſtored to its natural tone. The caſe was exceedingly different on a vacancy, where the writ was iſſued on a motion in this Houſe which might be oppoſed or acceded to. But in a general election, when the intent of the Legiſlature was that every place ſhould be duly repreſented and the number of the Houſe complete, the caſe was entirely altered, for by admitting in that caſe any obſtacle to intervene, every good purpoſe would be utterly defeated. Adverting to an obſervation of Mr. Bearcroft's reſpecting the complaints urged on the injury which the Houſe did the preſent ſitting member of Weſtminſter, in preventing him from the benefit of the ſtatute of Henry VI. in ſecuring a penalty from the returning officer, he ſaid his right honourable friend never regretted the inability to ſecure that debt with any view to the paltry ſum of forty pounds, but mentioned it to ſhew the Houſe, they committed, in the firſt inſtance, an act of injuſtice, which ſhould always be conſidered a ſufficient bar to any proceeding. He therefore had no doubt but the Houſe would, on all theſe, as well as many other conſiderations, before offered to them from perſons far more capable of directing their proceedings, reſcind the reſolution of the 8th of June from their Journals.

Mr. *Rolle* oppoſed the motion, and reminded the Houſe that Mr. Fox had brought in a bill for the government of India, which would, if carried, have made him and his party ſuperior to the Crown itſelf; therefore this, as well as that, was an inſult on the Houſe, and derogatory to its dignity. Mr. Rolle.

Lord Viſcount *Gallway* roſe next, in great warmth; he reprobated the Weſtminſter election, and inſiſted that Mr. Fox was not the legal member, for he was choſen by a mob; he had, he ſaid, by means of a mob, prevented the legal conſtituents from polling, and ſuffered that mob to obtrude themſelves on the poll. His Lordſhip ſpoke in ſuch heat, that it was difficult to underſtand him; the Houſe were out of all patience, and at laſt his Lordſhip ſat down, amidſt the diſorder of the moment. Lord Viſc. Gallway.

Mr. Fox roſe three times to begin his ſpeech, and was often interrupted by Lord Galway, who complained of the treatment he received from the Houſe in not being permitted to finiſh what he had to ſay. He was checked by the Chair, who told him that he was diſorderly.

Mr.

Mr. Fox. Mr. *Fox* at length got possession of the House, and began with observing, that he felt great satisfaction in finding the electors of the city of York had not changed their principles with their representative; they had felt like Englishmen upon the proceedings of the Westminster scrutiny, and had instructed their representatives to vote against it. One of them, he said, from a natural love of equity, and a due sense of the illegality of that House's taking upon itself to direct that the scrutiny should be proceeded in, after the return of the writ, had uniformly voted with him on every question respecting it. He said he was glad to see that the alarm of establishing so fatal a precedent had extended itself throughout the kingdom; and though the city of York had been the first to take notice of it, and to instruct their members to oppose the continuance of the scrutiny, he had no doubt but a similar disapprobation of it prevailed in other places, because he was sure that all but those who were led away by motives of personal pique and party prejudice could be but of one opinion upon it. That it was illegal, that it was unconstitutional, that it was destructive to the rights of election, and injurious to that House, were facts so broad, so plain, so immoveable, that all the art, and all the ingenuity, all the legal quibbles, and all the misrepresentations of the statute and the common law, that had peculiarly marked and distinguished the debate of that day, had not been able to disguise or to conceal. The right honourable and learned gentleman who spoke first on the other side of the House, had, in a most extraordinary and unprecedented manner, endeavoured to supply his lack of argument with the weight of authority. He had begged the House to believe that the proceedings upon their Journals were legal. Why? Because the right honourable and learned gentleman, and because others in high departments of the law, had thought proper to say they were so. This mode of appealing to a man's own authority, in confirmation of the assertions he was using for want of argument, was, Mr. Fox said, equally new and unprecedented; but it was surely a pitiful resort for any man to fly to for shelter. When the Middlesex-election business was moved to be rescinded, and erased from their Journals, he, and those who with him had voted in support of it, had not acted in so paltry a manner. That business had been honoured with the support of the present Lord Thurlow, the late Lord Walsingham, and all the lawyers of those days, who, at least, were as good authorities as the right honourable and learned gentleman, and those who sat on the same bench with him;

but they never dreamt when a proposition for expunging the proceedings on the Middlesex election from their Journal was in agitation, of bidding the House consider what high authorities had pronounced in their approbation; had they done so, they should have thought they acted in a mean and pitiful way. Mr. Fox took notice of the dark insinuations the right honourable and learned gentleman had chosen to throw out, and complained of the extreme unfairness of his charging him with having protracted the poll, and declaring that he had still his own opinion upon the subject. In this assertion he would not take the right honourable and learned gentleman's word. The right honourable and learned gentleman well knew that he had no more protracted the poll than Sir Cecil Wray had protracted the poll, excepting only the three last days, when, unquestionably, he had not yielded to the application that was made to him, of concluding the poll for the direct purpose of instituting a scrutiny. He knew also that there was no ground whatever for his insinuations that there could still exist a doubt on the real quarter from whence delay came. He knew that as fewer of his objections failed than of the objections of the other party, he had not added to the delay of the scrutiny. If, after all that had passed upon the subject, the right honourable and learned gentleman had still opinions of his own, what sort of principles would he carry to the bench with him, when he should be made a judge, and what security could there be had in his administration of justice, who presumed to suggest and insinuate opinions contrary to all they had heard at their bar, and contrary to the *evidentia rei*? Having expressed this with some warmth, Mr. Fox mentioned the advertisement in the newspapers relative to the bad votes stated to have been discovered in the parishes of St. Margaret and St. John, and argued upon that publication as a publication carrying upon the face of it sufficient evidence of the fallacious pretences that had been urged for carrying on the scrutiny. He also mentioned that there were but nine days more for a petition to be presented to carry the election to be tried by a tribunal competent to investigate it, and give an honest and just judgement; a tribunal, the members of which were themselves bound to decide upon their oaths, and upon evidence delivered upon oath. He said, the consideration of the expence alone excepted, he heartily wished for a petition, were it only that such dark and injurious insinuations as the right honourable and learned gentleman had suggested, might be for ever wiped away, and their truth or falsehood demon-

ſtrated beyond all contradiction. With regard to what had been ſaid in the courſe of the debate, as to the law puzzling the plain ſenſe of the argument, and leaving him an ample field to enter upon, he declared the reverſe appeared to him to be the caſe; his learned friends had argued the whole of the law and of the conſtitution and common ſenſe of the queſtion ſo fully, that they had ſcarcely left him any thing to ſay. One learned gentleman in particular (Mr. Scott) had entered into the whole of the caſe with a ſoundneſs of argument, and a depth and a cloſeneſs of reaſoning, that perhaps had ſcarcely been equalled in the diſcuſſion of any topic within thoſe walls, that turned at all on the ſtatute and common law, on the analogy of writs, and the ſort of legal references that had been made in the courſe of the debate; ſo well and ſo ably indeed had that learned gentleman argued it, that nothing like an anſwer had been offered to any one of his appeals to his brethren of the long robe, or any one of his doctrines. In truth, he was convinced, it was out of the power of ingenuity itſelf to overthrow the poſitions laid down by the learned gentleman, to whom he would offer no apology for any alluſion he might have made to him on a former day, ſince having drawn forth ſo maſterly and inſtructive a ſpeech, he conſidered himſelf as peculiarly happy in having been able to ſay any thing that had the good fortune to be productive of ſuch conſequences. The only attempt that had been exhibited to reply to the learned gentleman had been by His Majeſty's Solicitor General, who, as the learned gentleman had ſtated clearly and unanſwerably that the writ carried on the face of it its object and its end, had ſaid, that the writ had a third, as well as the former two orders to the Sheriff. It not only directed him to chuſe a perſon at ſuch a place to ſerve in Parliament by ſuch a time, but to take care that the perſon returned had the majority of legal votes at the election. Mr. Fox ridiculed this argument, and contended that it was equally weak and abſurd. He anſwered ſome parts of the Maſter of the Rolls and of Mr. Bearcroft's arguments; and he took notice of what had been ſaid by Mr. Baſtard early in the debate, who had expreſſed his wiſhes that an act were the means reſorted to, rather than a motion to reſcind. Mr. Fox ſaid, the reaſon why he did not take that method was, his extreme difficulty what ſort of bill to frame for the purpoſe, and the riſque that muſt neceſſarily be run as to the getting ſuch a bill through the three eſtates. If a declaratory bill were brought in, it would be liable to every objection to which the preſent motion was liable;

liable; and if he were to bring in an enacting bill, perhaps it would be said by the first law authorities in the other House, (Lord Thurlow, for witness) "Why do you send your useless bills here? To what end cram your statute books with acts of Parliament, pronouncing that to be law, which every body knows is law already." This, he thought, as it had been said on one occasion already, might be said again; and he was sure, it could not be said on any occasion more truly, than if he were to bring in an enacting bill of the nature in question, and that House were to pass it, and send it to the Lords! Mr. Fox paid Lord Thurlow great compliments on his abilities, and said, there was also in the other House a professional Peer, venerable for his years, venerable for his learning, his talents, and his integrity; he meant His Majesty's Chief Justice of the Court of King's Bench, whose opinions, he believed, were the same as his own upon the subject, though he did not speak from any secret communication. He rested his belief that they were so, from the noble and learned Lord, who was many years since a practical lawyer, having at that time uniformly acted upon the same ideas. Mr. Fox concluded with an earnest recommendation to the House, to do away the errors they had committed, and reprobated the idea of its being derogatory of their honour to confess their mistake.

Mr. Chancellor *Pitt* declared, that he had given the minutest attention to every thing that had fallen on either side of the House, and particularly to the right honourable gentleman, not with any hopes of finding a new light thrown either on the legality or expediency of the question, but because he had been desirous to discover how far the ingenuity of gentlemen would go in giving an apparent diversity to arguments which had already been so repeatedly handled in every shape that invention and subtlety could possibly give them; in aid to all the authorities which had already been adduced, the right honourable gentleman had resorted to new authorities of his own creation, those of the Lord Chancellor and the Chief Justice of the King's Bench; gentlemen, no doubt, must have at first imagined that the right honourable gentleman had come to the House armed with the express opinions of those great luminaries of the law, by the confidence with which he had used the sanction of their names to enforce his argument; but after availing himself for about a quarter of an hour of the credit which he assumed on the supposition of their opinions, he had at last thrown off his borrowed ornaments, and confessed, that in the supposed opinions of those great men Mr. Chancellor Pitt.

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he had been only gratifying his imagination in contemplating in them, as in a mirror, his own conceptions, he wondered, that with regard to the latter of thoſe noble and learned perſonages, who had been ſo long ago as the right honourable gentleman had mentioned, a "practical lawyer," it had not been obſerved, that he was a practical lawyer juſt about the period of the ſcrutiny on the conteſt for Weſtminſter between Trentham and Vandeput, and at that very time in a high department under Government. He wiſhed the right honourable gentleman had not forgot to refer to another authority—an authority, which, while true dignity of character, unbounded information, abilities of the moſt unparallelled magnitude, and an integrity on which no party had ever attempted to fix a ſtain, ſhould continue to be reſpected, would ever be an object of the love, the gratitude, and the admiration of England the authority to which he alluded, was that of a noble Lord, who had formerly been Chief Juſtice of the Court of Common Pleas, and afterwards Chancellor of England, and who, he was happy and proud to ſay, was now at the head of His Majeſty's Councils, he preſumed it would not be contended as probable, that that noble Lord was of the ſame opinion of the right honourable gentleman, or, no doubt, he would alſo have availed himſelf of the ſtrength which the ſuppoſed acceſſion of his opinion would have given his motion. Another authority had been offered, and it was an authority to which he paid as great a degree of reſpect as the right honourable gentleman poſſibly could—the reſolutions of the city of York—this authority was not, like the others, merely imaginary; and he rejoiced it was not ſo, as it was decidedly in his (Mr Pitt's) favour; for ſo far from deſiring the Houſe to correct the abuſe complained of, in the manner in which they were by this motion preſſed to do, the object of thoſe reſolutions was nothing more than an exact type of what had already been declared by ſo many of his friends, to be the proper and neceſſary remedy, and which it was, and had been ever ſince the abuſe had ariſen, his reſolution to apply. With reſpect to the animadverſions, which he had levelled againſt his learned friend near him (the Attorney General) they were ſuch as he was ſure could make no impreſſion on himſelf, or the Houſe. The learned gentleman (ſetting aſide the conſideration to which he was intitled from abilities, that he would venture to ſay were not ſurpaſſed in his profeſſion) might well expect that ſome degree of credit was due to the high office he filled, eſpecially on a queſtion of this nature, where it was not in iſſue, merely whether the

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conduct complained of was on a close and deep investigation contrary to the abstruse and more difficult point of law; but whether it was so manifest and so gross a violation of plain, avowed, and important principles, as must have proceeded from intentional corruption, or unpardonable error, which could alone justify the measure now demanded; a measure of so delicate a nature, that it certainly ought never to be resorted to on light and frivolous grounds, without the danger of introducing a wantonness and inconsistency into the conduct of Parliament, that must effectually overturn all the good purposes of its institution, a measure that called upon the House in express terms to avow their own repeated resolutions formed on the most mature deliberation, and the most patient debate and discussion, to be the offspring either of wilful dishonesty, or of the most disgraceful ignorance. For his own part, he said, that however he might have altered his sentiments, in respect to the expediency of the Resolutions which the House was now called upon to rescind, he had by no means departed from his firm persuasion of the legality of those Resolutions. The House had been warned against adopting legal analogies as the ground on which they were to decide the present question, positive precedents were insisted on as the only documents that could support the legality of the Scrutiny. He argued, that the doctrines of the gentlemen on the other side of the House, went to establish the necessity of a Returning Officer's sacrificing the *substance* to the exigency of the writ. It would ill become him, the avowed advocate for a pure representation of the People, and it would tend very little towards procuring for him the confidence of the Public towards his profession on that subject, were he by any means whatsoever to contribute to the increasing the many defects which were at present so justly complained of in the constitution of Parliament, and surly there could be no greater abuse than that of compelling a Returning Officer to make a return of members who were not elected by a majority of legal votes, yet this must be the case in many popular elections, if the Returning Officer, on a fair suggestion and rational belief of improper practices on the poll, had not the power of examining by a more regular and accurate mode than the nature of such an election, according to the usual method of conducting them, was capable of affording. The right honourable gentleman had disputed the calculation of the right honourable and learned gentleman (the Master of the Rolls) of the time allowed to the Sheriffs of London to make their return, by the statute of 13 Geo. II in order to overturn

turn the argument of analogy, which had been drawn by that gentleman, who, though he had given the assistance of his opinion, he was sorry to inform the House, would not be able, from a domestic misfortune, to give his vote upon the question. That calculation, however, of his right honourable friend he would venture to adhere to, as he knew it to be strictly accurate. By that statute, the time allowed to the Sheriffs was fifty-two days, now the only question, with regard to the time for summoning a Parliament, was, whether it was forty or fifty days; this, the right honourable gentleman had well imagined, was at the time of the dissolution of the late Parliament a subject of consideration with Ministers, and from that consideration which he had given, he was ready to affirm, that it might lawfully be summoned in forty days. With regard to the argument drawn from the clause in the act of Union, that fifty days were positively prescribed, as the shortest time; that clause, he said, did not apply, the object of that clause was merely local, temporary, and partial, for it related only to the kingdom of Scotland, to the members for Scotland, and to the first Parliament that should meet for the united kingdoms; it enacted, that it might be lawful for Her Majesty, at any time, to call the then Parliament of England, and also to issue writs for the election of the Scotch members, to meet in that Parliament, but that there should be fifty days allowed between the issuing of the writs and the assembling of the Parliament: the usual term was thus prolonged, in order to afford leisure for the confusion, consequent on the new arrangement, then taking place, to subside. Still, however, he would concede to the right honourable gentleman, the difference between forty and fifty days, and take it at fifty; in this concession he lost nothing, for all he wanted was a principle, which he would find in either case, namely, that by absolute and positive statute, the very thing is allowed which the gentlemen on the other side complain against as contrary to all law, common sense, justice, or precedent,—the continuation of an election or scrutiny, (for it was hard to discriminate between them) after the meeting of Parliament, and consequently after the return of the writ. For if the Parliament might meet in fifty days, and the election for London be deferred for fifty-two, then it was evident, that the principle was sufficiently established, as in a case of this nature two days were as strong as two hundred. He should be happy to hear any of the ingenious and learned gentlemen on the other side, attempt an answer to this. But if he should not be allowed the benefit of a *legal analogy* with this act for the city

of

of London, by the candour of those gentlemen he would, at least, satisfy them with a *precedent*. The case of Trentham and Vandeput was that precedent—to prove this precedent fully adequate to the case, or as an honourable gentleman opposite to him (Mr. Adam) would, perhaps, call it a *simile in point*, he would lay down an alternative—"either a scrutiny is or it is not a part of election." If it be a part of an election, then the election cannot be said to be finished while the scrutiny continues, and not being finished, no members can be chosen, because the event and termination of an election must be the choice of members; in this part of the alternative the right honourable gentleman had nothing to complain of, because the scrutiny not being determined, the election of course was not finished, and the election not being finished, he certainly could not have been chosen by an imperfect and unfinished election. The other part of the alternative put the right honourable gentleman into a worse situation, because it overturned the whole of his objections to the analogy between the late scrutiny for Westminster and the former one; for if he contended that a scrutiny was not a part of an election, then did the House of Commons do, in that instance, exactly what they have done now, for they sent the candidates back to a scrutiny, after the day on which the writ was returnable; a day which, though not ascertained in the writ by name, had been sufficiently identified by description, namely, the 14th day after the conclusion of the election—now this day being thus ascertained, from the conclusion of the election, brought the two cases in spirit exactly to the same point, stripping them of that distinction which it was so much the object of the gentlemen opposite him to establish, namely, the day being expressly named in the one, and only described into the other. The right honourable gentleman had shewn so great a soreness on this subject of scrutinies, that, perhaps, it might embarrass him to be asked "how it came, that he himself, within three or four weeks of the time appointed for the return of the writ, threatened to demand a scrutiny?" This question, as he never wished to lead any man into an embarrassment, out of which he did not wish to extricate him, he would endeavour to answer in some degree, and having already presented the gentleman in the last head of his argument with two, he would here give him three divisions of that question. The right honourable gentleman then had one or the other of the three following objects in view: first, he either thought that the subject of the scrutiny was of so simple a nature, that he hoped to see it decided in

his

his favour in ſo ſhort a time as the remainder of that appointed for the return of the writ, and certainly if to the right honourable gentleman, who knew ſo much of the buſineſs, it appeared to promiſe ſo ſpeedy an iſſue, the Houſe were not much to blame in hoping that an end might be put to it in a period not much longer. If this was not his reaſon, perhaps it was, that he then believed a ſcrutiny might legally be carried on after the ſtrict exigency of the writ demanded a return; in that alſo the Houſe could not be to blame; for finally, if neither of theſe were his reaſons and his intentions, they muſt have been this—that he was conſcious that he had no right, and therefore propoſed a ſcrutiny, in order that that ſcrutiny not being completed againſt the return of the writ, the High Bailiff muſt have made ſuch a return, as on the grounds of the ſcrutiny not being completed, would neceſſarily pave the way to a freſh election; of theſe three motives, he obſerved, that two only were in any degree excuſable; and in caſe of either of thoſe two excuſable motives, the Houſe ſtood qualified on the principles of the right honourable gentleman himſelf. With reſpect to thoſe authorities, which, he ſaid, of all others ſhould be moſt earneſtly ſought after by the Houſe, namely, Statutes, he ſhould ſay a little, becauſe the gentlemen on the oppoſite ſide of the Houſe had ſeemed to rely ſo much on them, in matters to which, in his opinion, they had no relation. Here he went into the argument which the Attorney General had introduced on the neceſſary difference which muſt have ariſen in the conducting of elections, from the changes which had taken place in the nominal value of property, and from other circumſtances which had crept in with it. From hence he argued, that the acts of Henry the VIth and VIIIth did not attach to the preſent queſtion, inaſmuch as ſo far from an inſtance ſimilar to the preſent being then in the contemplation of the legiſlature, the very ſeeds from whence this inſtance ſprung, had hardly been ſown; for ſcrutinies, or the neceſſity of them as they were now underſtood, were then not only unneceſſary and abſurd, but abſolutely unknown and inconceivable. The right honourable gentleman had another ground of uneaſineſs, on the ſubject of the irregularity of the form, by which he had been ſeated in that Houſe, as member for Weſtminſter, becauſe the precept was not originally annexed to the Sheriff's writ, on its return to the Crown Office. What, then, had the member for Weſtminſter ſo ſoon forgot the concerns of the member for Kirkwall? Did he forget, that in the precept, which returned that member, there was the very ſame irregularity that was

was here complained of? But in that instance the right honourable gentleman had to blame himself and his friends alone; nor did he see any other person liable to censure on the present occasion. He should be glad to know what was the object of the right honourable gentleman in this motion, if other than to entrap the House into a measure that would fix an indelible stain upon them, the very proposing of which was an insult, if not to the honour and integrity, at least to their understanding? Why it must be to obliterate all recollection of the transaction, so that it should not afford a single document, to tell to the world, that it ever existed: if this was his object, he must go farther than the present motion would lead him; he must erase from their journals the petition of the electors of Westminster, unless he thought, perhaps, that the reproaches, with which it was qualified in some measure, might compensate for its poisonous tell-tale qualities; he must remove from the table that heap of unfounded and unsupported assertions, which he triumphantly alluded to, as a body of solid, substantial, and irrefragable proof; he must storm the Crown Office, for those parchments, which he knew not how properly to describe, but as a heap of corruption and inconsistency, but which heap of corruption he himself sent there. There was one argument used by a learned gentleman who spoke early in the debate, why that resolution should be erased from the journals, for which he begged to return him his sincere thanks, because it applied with all the force it had, to the contrary side of the question. The learned gentleman said, it ought to be erased, because the House passed it in their *judicial* capacity. He congratulated the gentlemen of the bar on this new principle, which was thus to be introduced into the jurisprudence of the country. What! erase a judicial resolution! A man must have a very vague idea of the law indeed, if he imagined that such a proceeding could agree with any of its principles. No. Every decree, judgement, order, or decision of any Court of Justice must always remain on the records of the Court, right or wrong; there it must remain on its own merits, to be followed and imitated, if it were right; to be avoided, if wrong; but always to shew what the idea of the Court was at the time it was made. Great emphasis had been laid by each side of the House on two cases, which were imagined for the sake of argument, he supposed, for no man could be wild enough to suppose it possible either should ever exist in fact: one was, that by the precedent of that scrutiny, the Returning Officers of this kingdom had a power, on the

ſlighteſt ſuggeſtion, or without any ſuggeſtion at all, to withhold their returns, or to make ineffectual returns, ſimilar to that of the High Bailiff, and thus prevent the meeting of Parliament at all. On the contrary, it has been put from this ſide of the Houſe, that if they overturned the right of the officer, to whom the writ or precept was directed, to ſatisfy himſelf by a more cool inveſtigation than could poſſibly be had during the poll, that then that Houſe, by a parity of argument, might be filled with ſuch ragamuffins as ſhould, by aſſembling men like themſelves at the place of poll, obtain a fraudulent majority He ſhould not attempt a compariſon between the two misfortunes, but he would only ſay, that of ſuch two *extreme caſes*, the laſt was as likely to happen as the firſt, and, ſince the gentlemen were ſo fond of exaggerated and extravagant caſes, he could furniſh them with another, which occurred to him from the expedient that had been propoſed from the other ſide of the Houſe, of making a double return in doubtful caſes, now by that means all the Returning Officers in the kingdom might, by entering into a wicked conſpiracy, by all making double returns, keep the Houſe empty. But he thought an argument, which could only be ſupported by ſuch hard-ſtrained and far-fetched imaginations as thoſe, was ſcarcely worth the holding. That ſtood upon different grounds; it was intrenched behind the ſtrong holds of law, of juſtice, and of expediency. The right honourable gentleman had threatened the Houſe, that if it refuſed to comply with his motion at the preſent, it would only be poſtponing their diſgrace, for he would never reſt ſatisfied, until by perſeverance and a conſtant agitation of the queſtion, he ſhould have at laſt accompliſhed that deſirable object. That period of triumph, he was happy to find the right honourable gentleman did not think at preſent to be near at hand, for he had left himſelf an interval of one, or two, or, perhaps, more years, for his ſucceſſive efforts. Nor ſhould he be ſurpriſed, if the endeavours of the right honourable gentleman ſhould at length be crowned with ſucceſs, for, together with his knowledge of his great ability, and the pertinacious induſtry with which that ability was ſure to be ſupported, on every occaſion that called forth his intereſts, his paſſions, or his party attachments, he was beſides prepared to expect, that there might poſſibly be a Houſe of Commons under the influence of the right honourable gentleman, which would act on different principles, and with different views to thoſe, which formed the motives and the objects of the preſent Houſe of Commons; and he ſhould be happy to find, that

in ſuch a contingency, he might have nothing more dangerous to complain of, than a vote of diſapprobation of him and his friends; ſuch a Houſe of Commons had already been ſeen, and, perhaps, might be ſeen again; and he would in that caſe be willing to compound on the part of his country, that he alone, or even the very reſpectable body of his friends, which at this day formed a majority in his favour, might be the victims of the pride and ambition of the right honourable gentleman. But that the preſent Houſe ſhould ever ſuffer themſelves to be impoſed on ſo far, as to ſign their own condemnation, on the unfounded ſuggeſtions which had given riſe to that day's debate, was an event that he never could fear. For if the plaineſt legal analogies, the moſt obvious precedents in point, the ſtrongeſt convictions of reaſon and of right, together with the pride of conſiſtency, and the jealouſy of incorruptible, but inſulted integrity, were not of themſelves ſufficient to preclude every poſſibility of a compliance with the preſent motion, ſtill there was another motive more binding on their feelings and on their juſtice, (though in itſelf not of equal importance) which there could be no doubt would operate to confirm the Houſe in an adherence to its former principles; this was the ſituation into which the High Bailiff of Weſtminſter would be betrayed by ſuch a conduct: this man, on the credit and faith of the Houſe, had been reduced to proceed on the ſcrutiny; for that proceeding he was now threatened with a penal action; and would the Houſe, by reſcinding the Reſolutions which had formed the baſis of the High Bailiffs determination to proſecute that line of conduct which had ſubjected him to thoſe threats, ſeem, by abandoning the principles on which the whole proceeding had been founded, to prejudge a queſtion which was to be the object of a judicial inquiry? Here he took occaſion to exult in the completion of the preſent Houſe of Commons, which, notwithſtanding the diſadvantages that attended its conſtitution from the imperfect mode of its election, retained ſo much of the characteriſtic dignity of the Britiſh nation, as it had evinced in every ſtage of its exiſtence. He attributed this, in a great meaſure, to the right honourable gentleman (Mr. Fox) and his colleagues in office, who, by preſſing forward a criſis, the moſt momentous and important any part of our hiſtory preſented, had rouſed every exertion of public ſpirit that remained among the People, and had concentered the whole weight of thoſe exertions in the aſſembly before whom he had the honour to ſtand. The preſent Houſe of Commons, with a manlineſs and liberality that became the repreſentatives

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of a manly and a liberal People, had proceeded hitherto in the face of all those prejudices which had so long bound down and restrained the faculties of the Nation, to the reform of all abuses that militated against the great end of their free Constitution, he was still in hopes, farther, to see every local prepossession which now stood between the Empire and its true interests vanish; and he derived a flattering presage, from the character of the House, that the great question which was nearest to his heart, that on which the whole and only prospect of a final triumph over every obstacle to greatness and to glory depended; that alone which could entitle Englishmen to the appellation of free; and that alone which could ensure to wise, to virtuous, and to constitutional endeavours, a victory over factious ambition or corrupt venality, the great and stupendous question of a parliamentary reform, taken up with a degree of determined and upright boldness, that must soon be crowned with success. In that case, he could not help flattering himself, that at the remote period to which the right honourable gentleman looked forward, for the completition of his meditated triumph, he would, perhaps, find a Parliament, that, like the present, should speak the sense of the People; of a People, who had, in a most specific and decided manner, already passed judgement between him and the right honourable gentleman; and he warned gentlemen, particularly those whom the right honourable gentleman had so repeatedly marked with the most insolent contempt and invective, those new members, with whom the House was crowded on the opening of the Session, "men, whose faces "nobody was acquainted with," how they trusted to those professions of regard and affection, those meretricious blandishments, which one successful day's good humour had drawn from the right honourable gentleman, to lure them into a dereliction of principle, a violation of law, and an undeserved self-condemnation!

Mr. Fox. Mr. *Fox* said, the right honourable gentleman had charged him with having treated that House with invective and contempt; he was not conscious of having ever treated the House with either. When speaking of the immediate subject of the day, the identical Westminster scrutiny, he had sometimes been betrayed into more warmth than he might perhaps have wished to have shewn, but when a matter so immediately involving the rights of that House and the rights of election, was under consideration, it was not possible for him always to have kept that guard upon his expressions, that perhaps he should have done; but sure he was, he never treated the

House

House with contempt. When the right honourable gentleman, therefore, thought proper to make any assertions of that sort, he wished he would be so fair, as to specify a few instances of the occasions to which he referred. Not knowing what those seasons were, but perfectly aware, how far it was from his mind, at any time, or on any occasion, to treat the House with contempt, he could only directly deny the charge, and declare the assertions of the right honourable gentleman to be false in fact, wholly unwarranted, and solely calculated, as he imagined, for the purpose of rounding his periods to captivate the House.

Mr. Chancellor *Pitt* rose upon this, and declared his conviction to be fully satisfied that no person in that House would believe him capable of inventing and throwing out any charge or assertion whatsoever, for the purpose of rounding his periods. He desired the House to recollect, whether the expressions he had made use of in his speech, of the House being crouded by "new members, men whose faces nobody was acquainted with," had not fallen from the right honourable gentleman; whether he had not repeatedly endeavoured to depreciate the respectability of the House by his repeated assertions, that it had been chosen under a delusion, and that it seemed to act under a similar delusion; and whether he had not repeatedly thrown out the most pointed invectives against that East-India phalanx which had absorbed and swallowed up all the faculties of the executive Government—— Mr. Chancellor Pitt.

Here he was interrupted by Mr. *Fox*, who said, he really was at a loss to know what the right honourable gentleman meant by his having said, that the House was filled with faces which had never been seen there before. Some of his friends who sat near him had thought that the right honourable gentleman alluded to something that had fallen from him in the course of his speech of that day, but that he considered as so totally impossible, that he could not himself believe it.—— [Mr. Pitt said across the House, "No, not to-day."] All, therefore, that he could say was, that he did not remember the matter to which the right honourable gentleman had alluded. With regard to his having said, that the House had been called together under a delusion, if the right honourable gentleman called that an invective, he owned he had said so, because he thought so. He thought so still, and he would persevere in so saying. In like manner, with regard to his having insinuated that the number of East-India gentlemen introduced into that House, evidently had too much weight in the executive government, was a circumstance that was Mr. Fox.

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but too palpable; but, exclusive of these two opinions, which he neither had nor would attempt to conceal, he was at a loss to imagine upon what part of his conduct the right honourable gentleman could ground a charge against him of his having ever treated that House with contempt, or, in any degree, in an improper manner. Perhaps the right honourable gentleman, in his own mind, had so connected and interwoven himself personally with that House of Commons, that whenever he, or any other gentleman, found occasion to question any part of the conduct of the executive Government, the right honourable gentleman considered what was said of him, as a Minister, as an abuse of the House. In that case, he was ready to admit he had afforded abundant grounds for the right honourable gentleman to charge him with having attacked the House.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* rose again, and appeared desirous of entering into a more minute detail of the instances of disrespect shewn by Mr. Fox to the House, but the cry of Order, &c. &c. stopped him, a member declaring, he called the right honourable gentleman to order for alluding to what had passed in former debates. Mr. Pitt made several efforts to pursue his speech, but the cry of "Order, Order," predominating, the Speaker from the chair stated the rule of the House, that no member had a right to state the words of another member spoken in a former debate. If those words were of so offensive a nature as to make the speaker of them liable to the severest censure in the power of the House to inflict, yet unless they were taken down at the time by the clerk at the table, it was, he said, extremely disorderly for any member to repeat them in a debate that took place on a subsequent day. He confined himself solely to explaining what the order of the House was, and hoped the right honourable gentleman would avoid saying any thing that might either tend to violate the order that he had stated, or that might provoke heat and ill humour.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* rose again, and assured the Speaker, that he was not going to violate the established order; but that he thought it highly unbecoming the right honourable gentleman to throw out such expressions as the House had just heard; expressions tending to fix the stigma of falsehood and dishonour on any member of that House, at a time when his general denial could not, by the orders of the House, be called into question. That for his own part, being precluded from coming to the proof of the truth of his assertions, he

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had only to rest satisfied, that the memory of many gentlemen in the House, and his own reputation would do him justice. "I cannot, he concluded, enter farther into the reality of what I have advanced, but I maintain it."

Mr. Fox. Mr. *Fox* rose and said, he heartily wished the right honourable gentleman might have been allowed to go on, whether disorderly or not, because he was convinced he could have said nothing liable to any construction similar to that which the right honourable gentleman had mentioned, which he could not explain in such a manner as to give full satisfaction to the House. With regard to what the right honourable gentleman had just said, of his having chosen to deny generally that he had not treated that House with invective and contempt, at a moment when the Order of the House would not permit the particulars to be stated, Mr. Fox said, he presumed it was just as proper for him to deny those assertions then, as it had been proper for the right honourable gentleman to make them at a time when he perfectly well knew, he could not go into a specific statement of them. Mr. Fox was proceeding to a personal argument against the Chancellor of the Exchequer, when he was of a sudden called to Order by

Mr. Dundas. Mr. *Dundas*, who said, there was no equality in the calling his right honourable friend to Order, and suffering the right honourable gentleman to go on in that manner.

This gave rise to some farther speaking on the point, but which was at length settled by the interference of the Speaker, who said, it was altogether disorderly, and he must prevent it from going farther.

Mr. Sheridan. Mr. *Sheridan* rose to take notice, that the Chancellor of the Exchequer had, in the course of his speech, glanced more than once at him, and insinuated that he was answerable for the questionable shape of the return, and the nature of the paper of the High Bailiff, which had been ordered to be annexed to the writ for Middlesex.

The Speaker. The *Speaker* said, as the affair of the return had been adjusted in a very small House, and that was a very full one, he would take that opportunity of stating the particulars of the transaction. The Speaker then stated, that in consequence of the last Order of the House, relative to the scrutiny, the High Bailiff and the Deputy Clerk of the Crown had been at a loss, in what manner the return should be made out and received. That he had ordered the Deputy Clerk of the Crown to attend the next day, to receive the instructions of the House. That the Deputy Clerk of the Crown had, in consequence,

consequence, attended on the Friday, when he had thought it his duty to state to the House, the case of the writ for Elgin, and the House had ordered the return for Westminster to be annexed to the writ for Middlesex.

Mr Sheridan.

Mr. *Sheridan* thanked the Speaker for having given the House the information he had stated, and desired, that it might be remembered that his idea had been to antedate the return, and to make it bear the same date as the writ, because it was extremely absurd to annex a return to the writ, bearing date later than the writ was in existence. There was, he said, a wide difference between the affair of Elgin and the present case. The precept for Elgin was dated within the return of the writ for Elginshire, but, by some accidental blunder, had not been returned to the Sheriff, to be by him delivered into the Crown Office with his writ. The return for Westminster was, they all knew, dated many months after the 20th of May, 1784, the day on which the writ was returnable. Mr. Sheridan read to the House the Resolutions of the same day, in order to shew them that the Resolution implied, that the scrutiny was illegal, a ground which his friends had not once abandoned in the course of the business, but had always adhered to, as was evinced by their having kept uniformly to the same proposition. The right honourable gentleman opposite to him, Mr. Sheridan said, appeared to know but little about the act of Parliament, to which he had referred as a statute, regulating the elections for London, and declaring a scrutiny there to be lawful. It is necessary very frequently, he added, for gentlemen to be acquainted with the history of the times in which particular acts passed, and the history of the circumstances under which they passed, to understand them perfectly. The act in question was not originally brought in as a bill for regulating the election of members of Parliament to serve for the city of London, but for the election of Mayors, Sheriffs, and other city Magistrates and officers. At the time, there had been great disturbances in London, upon the subject of choosing Sheriffs, and matters had been carried with so high a hand, that the city was in danger of being without Sheriffs. A circumstance that would have been attended with infinite inconvenience. On the spur of the occasion a bill had been brought in to regulate the election of Sheriffs and other city officers. While that bill was in the House, it was suggested by a member, that the city also held elections for members of Parliament, and that it might be as well to introduce some clauses that might refer to them. Hence the present act, that the right honourable gen-

tleman

tleman had argued upon, as if its sole and principal object had been to regulate the city elections of members of Parliament. Mr Sheridan read two extracts from the act, to shew that it only recognized the scrutiny on the election for Sheriffs, as a *lawful* scrutiny, which he said it might well do, as the city had a right under its charter to make bye laws, and a scrutiny on an election for Sheriffs was sanctioned by those bye-laws; but the act in those clauses, which referred to the election by wardmotes, dropped the word *lawful*, and only talked generally of a scrutiny, without recognizing its legality. Mr. Sheridan added some other arguments, all tending to convince the House, that what the right honourable gentleman had said, as to the necessity that they should extend their protection to the High Bailiff who had been *drawn in* (as the right honourable gentleman had phrased it) by the House to go on with the scrutiny, were thrown away. Those arguments, he said, should have been urged before, because the House had withdrawn its protection from the High Bailiff the moment they came to the former resolution, viz. that in which they set the High Bailiff at liberty to make a return, without waiting for the orders of the House. Mr. Sheridan, before he sat down, contended, that for the sake of consistency, all those gentlemen who had voted for the resolution of Tuesday, must vote for the motion of rescinding now. Those who had uniformly defended the conduct of the High Bailiff, and thought that a scrutiny carried on after the writ, under which the precept for the election for Westminster had been held, was a legal proceeding, he certainly did not expect would vote with him that day.

Mr *Macnamara* did not choose to give a silent vote, but wished to say a few words in explanation. The question that appeared to be the sole question for gentlemen to decide upon was this: Was the resolution of the 8th of June last a legal proceeding, or an illegal one? If it were perfectly legal, no man in his senses, he believed, would wish it to be rescinded; if an illegal proceeding, in that case he conceived the proper and most effectual mode of doing it away, would be by a bill. Viewing the matter in that light, he should vote against the motion for rescinding, but would consent to the bringing in of a bill the first opportunity. Mr Macnamara.

Mr. *Vansittart* said, he had voted that the High Bailiff should proceed with the scrutiny, he had also voted this session, that he should be at liberty to make a return as soon as he had satisfied his conscience; but upon hearing of the offer that had been made by Mr. Fox's counsel, to go into the Mr Vansittart.

parish of St. Margaret's and St. John's, and that it had been rejected, he was of opinion that it was irreconcileable with justice that it should be continued any longer, and therefore he had voted against it last Thursday: but he did not at all see that he should act inconsistently, if he now voted against the motion for rescinding the resolutions. He thought the resolutions just and equitable, and therefore he should not vote for their being erased from the journals.

Mr. Martin

Mr. *Martin* said, it gave him great satisfaction to think that he had all along opposed the scrutiny. He was convinced, under all the circumstances of the case, it was an illegal proceeding, and therefore he should vote that day for rescinding the resolutions. He said farther, that he lamented that he should vote that day differently from many gentlemen, of whose integrity and abilities he entertained the highest opinion; but he was convinced his constituents sent him to that House to vote according to the best of his judgement, and not as this or that set of men desired him to do. Were he to conceive his constituents wished him to vote implicitly or blindly with any party, he would apply to the Minister for a place, which he believed even his very moderate abilities would be found equal to, viz. the Stewardship of the Chiltern Hundreds.

At length the question was put, and the House divided,

Ayes - - - - - - - - -	137
Noe - - - - - - - - -	242
Majority against rescinding	105

Mr. Fox.

Mr. *Fox*, as soon as the House was resumed, urged the necessity of bringing in a bill to prevent the repetition of any such business as the Westminster scrutiny. That was now, he said, the only means of preventing the bad precedent of the 8th of June last being acted upon.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* assured him, it was his intention early after the holidays to bring in a bill for the purpose; but, he said, he feared it would be a bill that the right honourable gentleman would oppose, as he certainly should not be for a declaratory, but an enacting bill.

Lord Mahon.

Lord *Mahon* rose to state, that it occurred to him that a bill might be easily drawn, so as to meet the general approbation of the House, and not to call forth any of those objections which might be at present floating in the mind of the right honourable gentleman.

March

March 11.

On the Report of the Committee of Supply being brought up and read, when the queſtion was put on the reſolution, that a ſum of money be granted for the pay and clothing of the Militia,

The Earl of *Surrey* roſe, and ſtated the caſe his Lordſhip had on a former occaſion mentioned, of a Colonel, who, imagining that the Militia would be called out this year, as uſual, ordered the new clothing of his regiment to be made: it was accordingly prepared; but, ſince it had been diſcovered that it was not the intention of that Houſe to have the Militia called out this year, the perſons who furniſhed the clothing had called upon the Colonel, and demanded payment of him for the clothes. This, his Lordſhip ſaid, appeared to him to be a caſe of hardſhip, and that ſomething ought to be done in it. The Colonel had applied to the Treaſury, where he was anſwered, and, his Lordſhip ſaid, very probably, in his opinion, that they could not pay the money without the authority of Parliament. This being the ſituation of the caſe, he was in expectation that the honourable gentleman, the Secretary of the Treaſury, would have taken ſome ſtep to have had the matter put into ſuch a train of adjuſtment, as to relieve the Colonel in queſtion from a difficulty into which he had fallen, without the ſmalleſt intention of doing any thing that was improper. The Earl of Surrey.

Mr. *Roſe* ſaid, the queſtion then under conſideration was merely a reſolution to vote a certain ſum for the pay and clothing of the Militia, and conſequently could have no immediate relation to the matter ſtated by the noble Lord. The caſe mentioned, was, he believed, exactly as the noble Lord had ſtated it. Application had been made to the Treaſury, and the anſwer given was, that the Treaſury could not apply any part of the public money without the authority of Parliament. At preſent that Houſe, as a Houſe of Parliament, had not the matter before them, but there might be means reſorted to, which would bring it regularly under their cognizance; and then the Houſe would act upon it as they thought proper. In the mean time nothing could be done in it. Mr. Roſe.

Lord *Beauchamp* ſaid, that undoubtedly the matter was not under their cognizance; nor did he ſee how the Colonel alluded to, could make out a claim upon the Public for the money. It was evident he had gone far beyond his authority, in taking upon himſelf to order the clothing of the regiment, before it could be known, whether that Houſe thought fit that Lord Beauchamp.

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the Militia should be called out this year or not It was an act of his own discretion, to all the consequences of which, he had made himself liable, the same as any other man would be, who should take any step, certain to be attended with expence, on speculation and conjecture, and that speculation and conjecture should fail him.

Mr. Pye. Mr. *Pye* observed, that a Colonel of Militia, in ordering his clothing, previous to the grant of that House, was not exactly in the predicament mentioned by the noble Lord (Lord Beauchamp), but certainly might conceive himself authorized to do it, as there was now an act of Parliament in being, making the Militia perpetual, and by which the Militia was to be exercised twenty-eight days each year. To this act the Commons were certainly a party, and though they had a right to refuse the grant of the money necessary, they certainly might be considered as pledged not to refuse it, while that act was unrepealed.

Lord Surrey said a few more words upon the subject, and was replied to by Mr. Steele, who justified the answer that had been given by his colleague in office, and the report was received.

As soon as Mr. Chancellor Pitt came into the House, Mr. Stanley, member for Lancashire, had a conference of two minutes with him, after which, Mr Chancellor *Pitt* said, that as he found there was a desire, in some persons, to be heard at the bar by counsel, to produce evidence on the subject of the Commercial Regulations with Ireland, he was willing, agreeable to the principle which had governed him through the whole of the business, to give sufficient time for that purpose. He should therefore move, that the order of the day (for going into a committee on the subject) might be postponed till Monday or Tuesday next, as the day for the Committee to sit, by which time, he presumed, the petitioners would be ready to be heard by their evidence, and by their counsel.

Mr Chancellor Pitt.

Mr Fox. Mr. *Fox* said, he rose not to object to the motion, but to submit it to the right honourable gentleman, whether it would not rather save time than lose it, if instead of loosely naming Monday or Tuesday, he were at once to name the latter of the two days, letting it be understood, that the Committee on Irish Affairs would actually be gone into on that day. The Ordnance, he said, stood for Monday.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* agreed that Tuesday should be the day.

Mr.

Mr. *Stanley* then rose in his place, and stated the prayer of a petition he held in his hand from the manufacturers of Manchester. Mr. Stanley.

The *Speaker* said, he thought it his duty to state, that the petition purported to be the petition of a large number of persons, and was subscribed only by one as their chairman. He wished therefore to know, whether the House chose to receive it in that form. Such petitions, he said, had been received, but the practice of receiving them had not been frequent. The Speaker.

Lord *North* reminded the House of a petition that had been received in his time, that purported to be the petition of a whole county, and was nevertheless subscribed only by one name. He alluded to a petition of the county of Sussex on the subject of parliamentary reform. Lord North.

Mr. *Steele* said, that one person was the Sheriff. Mr. Steele.

Mr. *Jenkinson* said, undoubtedly the House could not recognize any meeting, or aggregate body of men, who assembled without either the authority of the Crown, or of Parliament; but as it must be every gentleman's wish to receive the present petition, the difficulty would be easily removed, by receiving it as the petition of the single person who subscribed it. Mr. Jenkinson.

This proposition was acceded to, and the petition was brought up and read. A fresh difficulty then arose how to frame the order for the petitioner to be heard by counsel.

Mr. Chancellor *Pitt* stated the difficulty as a mere difficulty in point of form, and expressed a wish to be able to get over it. Mr. Chancellor Pitt.

Mr. *Fox* said, there was much less difficulty in a case like the present, than where a motion was made, that a petition be laid on the table. In that case, the degree of influence that every petition had with him, and, he presumed, with the House, depended on the authority of the persons whose names were subjoined; but where a petition came, praying to be heard by counsel and in evidence, in that case, as facts were to be stated to the House, and arguments upon those facts, it was of very little consequence who the petitioners were, because it was upon the importance of the facts given in evidence, and upon the reason and force of the arguments that the House were called upon to form a judgement. He therefore would consent to wave the punctilio of form, and make the order in any words the House should approve. Mr. Fox.

Mr. Chancellor *Pitt* then proposed to make an order, "that the merchants and manufacturers of Manchester be heard by counsel at the bar." Mr Chancellor Pitt.

This

This was acceded to, and the order for hearing of counsel made.

When the Speaker put the question, " That the House resolve itself into a committee on Irish affairs next Tuesday,"

Mr. Fox. Mr. *Fox* rose and said, that was the first opportunity that had presented itself for him to say a few words on the Report of the Lords of the Committee of Council, and of the conduct of His Majesty's Ministers, which he thought extremely unwise, in respect to the Propositions of the Irish Parliament, at that time on the table. It appeared from the Report of the Lords of the Committee of Council, that two questions had been referred, the one to desire their consideration,

" I. Upon the propriety of reducing duties payable in " Great Britain on the importation of goods, the growth and " manufacture of Ireland, to the same rate as the duties pay- " able in Ireland on the importation of the like goods, the " growth and manufacture of Great Britain."

The other,

" II. What preferences are now given to the importation " of any article, the growth, produce, or manufacture of Ire- " land, by any duty or prohibition on the importation, use or " sale of the like articles from foreign ports; and how far it " may be the interest of Great Britain in future to continue " or alter the same?"

What he meant chiefly to speak to, Mr. Fox said, was, two points that had not been referred to the Committee of Council, and which he must own not a little surprized him. The subject of the two questions that had been referred to the Committee, and any information that could be obtained upon it, was certainly extremely desirable, extremely fit to be obtained by the Committee of Council, and extremely proper to be by them submitted to the consideration of the House; but what had struck him, and what he believed had struck every man's mind as the primary consideration of all, was the question of the propriety and policy of permitting the produce of Africa and America to be brought into Great Britain through Ireland. On that, in his humble opinion, by far the greatest part of the doubts, whether the Propositions were such as Great Britain ought to accede to or not depended. It was therefore not only extraordinary but somewhat unaccountable, that the question he had stated, was not referred to the Lords of the Committee of Council. With regard to the questions that had been referred to the Lords of the Committee of Council, and the examination and evidence that they

had ſtated in their Report, he did not doubt but they had proceeded with great wiſdom and prudence, and that the queſtions to the manufacturers examined were ſuch as ought to have been put; but he could not help remarking, that the Lords of the Committee of Council themſelves expreſſed a wiſh that they had had more time to purſue their inveſtigation farther. This therefore confirmed opinions that had been floating in his mind before, of the extreme and preſſing neceſſity for that Houſe to have full and complete information before them, relative to all the probable conſequences of the carrying into effect the whole of the ten propoſitions, previous to their going the length of the firſt propoſition, which was a general reſolution, involving and implicating all the reſt. Mr. Fox expatiated on this argument very amply, and took infinite pains to preſs it on the minds of the Houſe, as a matter exceedingly important, and as a matter deſerving their moſt ſerious attention. If the Lords of the Committee of Council, he ſaid, whoſe judgement was not definitive, and was merely an opinion, neither operative, nor binding, found occaſion to expreſs a wiſh, that they had been able to have given farther time to their inveſtigation, and to have obtained a greater degree of intelligence and information, how much more neceſſary was it for that Houſe, who were to act, and not merely to ſtate matters of opinion, to be fully informed, before they proceeded to vote a reſolution, to be made the baſis of an argument of intercourſe with Ireland, that was not meant as a temporary expedient, but as a final and concluſive ſyſtem? Let gentlemen conſider the extremely diſagreeable and even melancholy conſequences that muſt enſue, if they precipitately voted the general reſolution; and they ſhould afterwards have applications made to them, in objection to the nine propoſitions. In that caſe, what muſt Ireland feel, and what would ſhe have to complain of, but a departure from an implied agreement, and a groſs breach of national faith? a circumſtance that would be attended with the moſt fatal conſequences to both kingdoms. He wondered, therefore, that the right honourable gentleman had not thought it neceſſary, long before that time, to call to the bar of that Houſe ſome of the beſt-informed and principal manufacturers of the kingdom, whoſe intereſts were likely to be at all affected by the ſyſtem of intercourſe to be arranged with Ireland, in order that the Houſe might learn from them the probable conſequence, with regard to the different branches of manufacture they were ſeverally concerned in, that would reſult from that Houſe's proceeding to form a ſyſtem of intercourſe with

Ireland, on the ten propositions that had been voted by the Irish Parliament. Such information could not be had too soon, both upon the great consideration of the propriety of permitting the produce of Africa and America to be brought into this kingdom through Ireland, and upon the questions that had been referred to the Lords of the Committee of the Council. Indeed there was an additional, and, in his mind, a very cogent reason, in proof of the necessity of calling witnesses before them of the two latter questions; and that was, that it appeared upon the face of the Report of the Lords of the Committee of Council, that the Lords had drawn conclusions from the evidence given by the merchants and manufacturers they examined, which the merchants and manufacturers were at this time contradicting at the meetings that were daily holding on the subject of the ten propositions. The inferences drawn from the examination of the persons examined before the Committee of Council, and stated in the Report, were directly the reverse of the inferences those persons drew themselves, as far as their public conversation and conduct went to prove what their opinions were. Mr. Fox here took occasion to mention the proceedings of the meeting of the West-India merchants last Tuesday, which, he said, were of a very different tendency from that which the right honourable gentleman had conceived, and stated to the House in the debate on that day. The West-India merchants had not at that meeting declared that alarm, and very great alarm was not entertained by them on account of the propositions; that alarm was undoubtedly still entertained by them, but the matter in discussion, at the meeting last Tuesday, was merely the mode of their proceeding, in order to have such regulations introduced into the bills that should be brought into Parliament, as should best tend to secure them and their commerce from the impending danger, and that injury which they thought likely to result, were not such regulations introduced. All that the issue of the meeting amounted to was, a resolution not to petition the House in that stage of the business. Mr. Fox said, there were different orders and descriptions of manufacturers, whose trade would be very materially affected by the intended plan of arrangement, and whom that House ought to have before them, previous to their proceeding to vote their general propositions. One set of men, not ordinarily ranked with manufacturers, though, strictly speaking, they were so, the ship-builders of Great Britain, ought in particular to be called upon and examined as to the consequence to their manufacture that they were of opinion would follow,

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in case the ten ... were agreed to. By thus pressing for the manufacturers ... the bar, Mr. Fox said, he did not mean to have it ... the House ought to be guided solely by their opinion, ... not. The House should act in this, as in every other ... according to its own sense, of the wisdom and policy of the m... to be taken; but he ... contend, that without having the full information before them, it was not possible for the House to judge, what the wisdom and the policy of the plan of intercourse with Ireland, that had been proposed to them, were. It might possibly be said, that calling for such information would occasion delay, and take up a great deal of time. That was, in his mind, no objection to what he had proposed; for let it occasion what delay, or take up what time it would, that time would be well spent in the House's making itself thorough master of the extent of the subject, before it came to a decisive vote upon it. Let gentlemen recollect, that when they had voted the general resolution, the House was committed to all the remaining nine; from which they could not retract without giving Ireland cause to complain of a breach of national faith, and without laying the ground for much future mischief. He pressed this again and again on the House, and said, he trusted it was the general wish of both sides, and the wish of every man both here and in Ireland, that the plan should be fully understood by both countries, and that there should not remain the smallest possible chance of future cavil. He asked if gentlemen felt themselves prepared to go the length of voting the first resolution, before they knew more of the consequences likely to result from voting the other nine. There was not one of them that did not, day after day, suggest new difficulties to his mind. The fifth proposition for instance, that respecting the countervailing duties, was a proposition extremely prolific of doubt and alarm. He dwelt for some time upon this, and said, the House ought, at least, to have the same opportunity of examining persons who were competent to give them information upon any parts of the subject, as the Lords of the Committee of Council. For their own good therefore, for the security of Administration, for the future repose and quiet of both kingdoms, he hoped the right honourable gentleman would see the propriety of what he had proposed.

Mr. Chancellor *Pitt* said, that the right honourable gentleman need not have laboured so much, to prove what he was very ready to admit, and what no man could deny, viz. that the general proposition involved and implicated the remaining Mr Chancellor Pitt.

nine propositions. It certainly did involve the whole of them, and he desired that the question on the general resolution might be considered as extending to, and comprehending every one of the nine propositions submitted to him by the House. The great object was to give a full participation of commercial advantages to Ireland, and the resolution was to carry that object into execution; all therefore that was necessary to consider in this resolution was, whether it went to that end, and whether its principles were reconcileable to the interests of this country; if the opinion of the House was with him upon it, by passing this general resolution the whole of his object would be accomplished. As to the calling to the bar the same *viva voce* evidence that had been already offered to the Committee of Privy Council, and which was contained in substance in the Report of that Committee now before the House, to that he should certainly object; first, because it was absolutely unnecessary, the whole being substantiated with sufficient clearness and credibility in that Report. This evidence was collected from a number of persons, of various descriptions, who thought themselves interested in the subject, and voluntarily offered themselves to be examined, touching such parts of it as were within their knowledge. The Report, which recapitulated their testimony, was now before the public, and if it was found to falsify, to omit, or to add to any part of that testimony, the same persons who had given it, would, no doubt, be forthcoming, to establish those points, which they had already given their opinion upon to the Committee of Privy Council; or if an unfair conclusion was attempted to be drawn from those premises, which their testimony afforded, they were at liberty, by petition, to set the House right, either by counsel, or farther examination at the bar. He knew very well, that it was perfectly unnecessary to invite witnesses to their bar, for setting aside the natural jealousy of trade, which would certainly be a means of impelling those who feared any injury to come forward; there was another kind of jealousy, which, he said, had already been exercised, and would, he imagined, be still exercised, to look for men and bodies of men, in order to send them to the House sufficiently prepared, and prompted with clamours and complaints. He wondered, if the right honourable gentleman had thought this oral evidence absolutely necessary for the House to have it received, that he did not apply for it to be received three weeks ago; but he imagined he could tell the reason why the right honourable gentleman did not apply before; it was not for the purposes of delay

alone,

alone, but becaufe he hoped, that before now he and his friends would have fufficiently embarraffed the meafure by caufing the table to be covered with petitions, and the bar to be crowded with witneffes. Finding thefe to fall fhort of his expectations, he had now no other refource left than by a fuggeftion, which, in effect, was nothing more than if he was to move in plain and direct terms, that the confideration of this queftion be poftponed for three months, and thus defer for the whole of the prefent year, a plan which was neceffary to promote the mutual interefts of the two kingdoms, and a good underftanding between them. To fave this wafte of time, was his fecond reafon for objecting to the evidence being again repeated, *viva voce*, at the bar; for he would truft to the interefts of individuals, and the induftry of oppofition, that if any evidence, tending to fet the propofed arrangement, either in an unjuft or an impolitic light, could be obtained, it would find its way to the bar, without invitation. He obferved, that although the different parts of the plan in detail, and the modes of carrying it into effect, were fubjects on which the Houfe might expect information and affiftance from the opinions of merchants; yet on the general idea, confidering it as a ftate meafure, he apprehended it was a queftion fitter for the judgement of Parliament. He faid, that the reafon why the fubject of the importation of the trade of America and Africa through Ireland to this country had not been taken up by the Committee of Privy Council, and examined by evidence, as the right honourable gentleman complained, was this:—The object of that Committee was fimply by evidence to come at *facts*, and not to look for the *opinions* of the witneffes. On this fubject there were but two or three leading facts neceffary to be known, principally with regard to the rules of freightage, all the reft of the confideration that it would require, would be more of a political nature than merely commercial; and as he had already hinted, fufficiently within the competence of the Houfe, without affiftance from without doors. He again repeated, that the refolution alluded to by the right honourable gentleman would tie up the Houfe fo far to the fpirit of all the fubfequent propofitions, that he fhould, after paffing that, expect to fee no oppofition to thofe; and this he mentioned to the Houfe, in order that they might be apprized of the extent of that refolution, and the ufe that was intended to be made of it, and of courfe be provided in their debate upon it to enter into their objections, if any, to the fpirit of every appendant part of the fyftem. In the courfe of his fpeech, Mr. Pitt paid a com-

pliment to the liberality and underſtanding of the trading part of the kingdom, obſerving, that he believed there was no where to be found a more enlightened or more diſintereſted ſet of manufacturers than thoſe of England.

Mr. Fox. Mr. *Fox* roſe again, and ſaid, he really had not ſeen the Report of the Committee of Council till within the laſt two days, and therefore he had not had an earlier opportunity of ſaying what he had thought it neceſſary to ſay that day. With regard to his not having moved for perſons to be called to the bar, he had purpoſely avoided it. Let the right honourable gentleman recollect, that he was, as it were, a kind of marked man, and that the right honourable gentleman and he were involved together in many political opinions, and in various topics, that placed them before the Public in a point of view more conſpicuous that than in which moſt other men moved; under ſuch circumſtances, it would not have been proper for him to have made any ſuch motion; beſides, he choſe to ſave himſelf from affording room for inſinuation, as the right honourable gentleman had ſhewn himſelf ready enough to inſinuate, even when there could be no grounds for it, that he had brought to the bar perſons who had been prompted to give ſuch evidence as ſhould throw moſt impediments in the way of the propoſed ſyſtem of the intercourſe with Ireland. Having ſaid this, Mr. Fox repeated his argument, how neceſſary it was to call the merchants and manufacturers to the bar, who had been examined before the Committee of Privy Council; becauſe, as their declarations at their meetings were directly contradictory to the inferences which the Lords of the Committee had drawn from their examinations, and ſtated in their Report, the Houſe ought to have an opportunity of hearing from themſelves what their ſentiments were. Mr. Fox urged Mr. Pitt not to wait for this or that member's moving for perſons to be examined, but of his own accord to bring to the bar ſome of the beſt informed of each branch of capital manufacture, that the Houſe might ſift the matter to the bottom before they embarked in it.

Mr. Jenkinſon. Mr. *Jenkinſon* ſaid, that having had the honour to be an unworthy member of the Committee of Council, he thought it right to ſtate the Houſe what ſteps the Committee had taken previous to the forming the Report that was on the table. The Committee had, in the firſt place, taken care to have it ſignified in all the manufacturing towns in the kingdom, that a Committee of Council was ſitting for the purpoſe of receiving any information that the manufacturers wiſhed to give

give touching the proposed arrangement of a system of intercourse with Ireland. In consequence of this, many gentlemen concerned in different trades and manufactures had voluntarily offered themselves to be examined, and they had given the Committee a considerable deal of information, and had expressed themselves with extreme liberality on the subject. The Committee had taken down the whole of the examinations, and had formed their Report accordingly. That Report they had presented to His Majesty, and the King had ordered it to be laid before that House. He was a little surprized, however, at hearing from the right honourable gentleman opposite to him, that the manufacturers now held a language different from their answers when under examination before the Committee of Council. They had given their answers so readily and so clearly, that he could not think it possible the gentlemen would at any other time, or in any other place, contradict those answers. With regard to the conclusions drawn from the whole of the different examinations, and stated in the Report, that was what appeared to the Committee of Council to be the fair deduction. How far it was so, or was not so, did not become him to say. It was but a matter of opinion at best. The Committee, however, had acted to the best of their judgement, but possibly they might have been mistaken. Whether they had erred in judgement or not, would appear hereafter. The propositions, Mr. Jenkinson observed, had now been opened to the House three weeks, and the votes and proceedings of the House had made it a matter of notoriety throughout the kingdom. So far therefore the conduct of the Committee and of that House had been analogous. The Committee, previous to their doing any thing in the business, had taken the only means in their power of making it known that they were sitting, and ready to receive information; and the House, by its votes, had signified, that the propositions were before them, and that they meant to act upon them. His right honourable friend, he said, had surely proceeded in the matter with great candour, and had not in the least endeavoured to hurry the House, or take them by surprize. Three weeks had now elapsed since the propositions had been stated, and no person had desired to be heard respecting them but the persons from whom the petition that had been presented that day came. He agreed therefore with his right honourable friend, that if no other applications were made between this and Tuesday, that it was fair to conclude, there did not exist any objections in the minds of the merchants and manufacturers that were

of

of weight enough to induce them to apply to the House, and pray that the propositions that had been agreed to by the Parliament of Ireland might not be agreed to by that House. The subject had, he said, been under the consideration of the Committee of Privy Council six weeks, and the House had already had it before them half that time. There had not been any application made to the Committee of Council since the examination of the manufacturers, whose examination was stated in the Report, excepting only on the part of the booksellers of London, respecting copy right, which was a subject well worth the consideration of the House, inasmuch as the future interests of literature entirely depended upon it. To the House, during a period of three weeks, no application whatever had been made, exclusive of the application of that day. Let gentlemen who had claim to any share of candour therefore judge, whether the House was not warranted to proceed without farther delay.

Mr. Fox. Mr *Fox* rose again, and said, he would confine himself strictly to explanation. From what the right honourable gentleman had said, an idea might go abroad, that he had asserted, that the manufacturers, who had been examined before the Committee of Council, had at their late meetings contradicted the answers they gave to the questions put to them by the Lords of the Committee. He begged the House to do him the justice to recollect, that he had not said any such thing. What he had said was this: The language held by the merchants and manufacturers at the public meetings, convened for the express purpose of considering the propositions of the Irish Parliament, went directly in contradiction of the inferences drawn from their examinations by the Lords of the Committee of Council. Mr Fox said, he was glad the conversation of the day had taken place, as it had produced an explanation from the right honourable gentleman at the head of the Exchequer, that was exceedingly material, before that day, they had not heard it avowed, that the general resolution involved and implicated the remaining nine, and that the Minister would consider a vote for the general resolution, as a vote which so far bound the House, that if in the subsequent course of the business, after the general resolution had passed, application was made not to pass the other propositions, or not to pass any bill founded upon any one of them; the having voted the general resolution would be a sufficient reason for refusing to receive or listen to any such application, or to go into any investigation that might be suggested.

Mr.

Mr. Chancellor *Pitt* said, that he did not mean to say that the admission of the first resolution would preclude any farther debate on the subsequent propositions; but only this, that he considered that resolution to comprehend in its spirit the entire spirit of those propositions; but still, on each of those propositions, if any doubts should arise as to the manner in which they should be attempted to be carried into effect, or if any alteration should be suggested under such doubts, it might fairly and properly be admitted, provided it did not militate against the original spirit of the proposition. Mr. Chancellor Pitt.

Mr. *Fox* declared, he was extremely sorry to hear what the right honourable gentleman had just said, for that put the whole matter at sea again. One great objection, in his mind, to the proposition, was, that the substance of some of the propositions contradicted the spirit of all of them. He particularly referred to the fifth proposition. Mr. Fox.

Mr. Alderman *Newnham* stated the great difficulty he, as a representative of the metropolis, where the principal merchants of the kingdom resided, should find himself under, when called upon to vote the general resolution, before he had some assurance from authority that might be relied on, that care would be taken in proceeding by bill upon the nine specific propositions, to provide such regulations as should secure the mercantile interests of this kingdom from the danger that the merchants dreaded. Mr. Newnham said, the right honourable gentleman was much mistaken, in supposing, that because the table was not covered with petitions, and the bar crouded with witnesses, it followed as a clear proposition, that there was not any serious objection entertained against his proposed plan of intercourse with Ireland, by the merchants and manufacturers: the fact was, very great objection was entertained against it by the merchants and manufacturers, as was evident from the language held at the various meetings in the city of London, by men of both descriptions. He spoke in particular of the West-India merchants, of whose proceedings at their meeting he gave an account. At that meeting, he said, it was proposed to prepare a petition to the House against the propositions, and to have it presented immediately; but one gentleman had urged as an argument against the proposition, that the Minister was *vindictive*. The Alderman desired to be understood, as not saying that the right honourable gentleman was vindictive, but merely as reporting what was said at the meetings of the West-India merchants. The same gentleman, who at that time had said that the Minister was vindictive, had added, that presenting a petition would provoke Mr. Ald. Newnham.

voke him, and make him *indignant*, and consequently adverse to any proposition that might be made in the subsequent progress of the business, for the better security and protection of their interests. It was, Mr. Newnham declared, in consequence of this argument, and of others of a similar nature, that the mode of proceeding had been changed, and the motion lost that proposed the presenting a petition in the first instance to the House. He spoke also of the sugar-bakers, who, he said, were a large description of manufactures concerned in a manufacture of infinite importance to the kingdom. The sugar-bakers, he said, saw, and knew, that their manufacture would be cut up by the roots, if some particular regulations were not adopted, should the propositions of the Irish Parliament be agreed to. Mr. Newnham entered into a short discussion of the effect which the opening of the trade, and suffering Ireland to import and export the produce of the West Indies, must have upon sugars in this country; and particularly in respect to the articles of molasses and bastard sugar. He said an application had been made to the Treasury upon this subject, and the Secretary of the Treasury had assured the gentleman who applied, that they might rest satisfied, proper care would be taken to impose high duties on the molasses and bastard sugar imported into Great Britain through Ireland. The Secretary of the Treasury, he had no doubt, meant, that what he said should be done, but was the bare promise of a Secretary of the Treasury sufficient security to the manufacturers of so valuable a branch of our manufactures as sugar, that their manufacture would not be entirely ruined? Had the Minister condescended to see the gentlemen who applied to him, and had given his promise that the cause of alarm should be remedied, the case would have been altered, and the sugar-bakers would have been satisfied; but they could not be so, under an assurance made only by a Secretary to the Treasury; and therefore it would be impossible for him, the immediate representative of the merchants of London, to vote for the general resolution, before he had an assurance from authority, that the mercantile interests of this kingdom should be secured from injury, by the intercourse with Ireland, that was projected, being carried into execution.

Mr. Rose. Mr. *Rose* gave an account of what had passed between him and the gentlemen, in the sugar-baking business, who had applied at the Treasury, and said, that as molasses and bastard sugar were connected with the fine sugars, the whole would undoubtedly be subjected to proper regulations, which would

become

become the fit topic of discussion, when the day should arrive for taking the matter into consideration.

Mr. Alderman *Newnham* made a short reply, in which he repeated part of his argument about molasses and bastard sugar, and said, that he should not have mentioned it in that place, and at that time, if he had not felt, in consequence of what had been said by the right honourable gentleman at the head of his Majesty's Exchequer, relative to a vote for the general resolution's implying a vote for the remaining nine specific propositions, that he could not, if called upon, vote for the general resolution, unless he had a satisfactory assurance, that care would be taken to preserve the mercantile interests of this kingdom whole and entire. Mr. Ald. Newnham.

The question was then put, "that the House resolve itself into a Committee of Irish Affairs next Tuesday," which passed unanimously; and the House rose immediately, it being nearly seven in the evening.

Monday, March 14.

Lord Mahon moved for leave to bring in a bill for the better securing the rights of voters at county elections. Ordered.

Mr. Stanley presented a petition, signed by many thousands of the manufacturers of the town and vicinity of Manchester, against the Irish Resolutions, and praying to be heard by counsel. Mr. Stanley wished they might be heard on the Thursday following.

Mr. Chancellor *Pitt* objected to the delay of three days; but wishing to give them an attentive hearing, he would pass over one day, and would move that they be heard on the Wednesday next. Mr Chancellor Pitt.

Mr. *Fox* said, he was unable to account for the strange precipitancy with which every measure was pressed forward. Ministers did not seem to feel, that not only the manufacturers, but the revenue was involved in the discussion of the question; and in the latter, the credit of the nation. The most cautious inquiries were necessary, not only among the manufacturers, but the officers of the revenue, as to its probable effects. Such inquiries have been thought necessary to the Committee of Council, who yet declared themselves uninformed. It had been supposed, that the general resolution was merely formal and introductory; but on the debate of last Friday the reality became known. The Minister had candidly owned, that, by passing the first resolution, the House Mr. Fox.

stood pledged to carry every one of the subordinate resolutions, which no succeeding representation could alter or diminish. When he had formerly stated the want of information as a cause for delay, he had been answered merely by applications to himself, as if he had been disappointed at not seeing the table covered with petitions, and the bar crouded with witnesses now that the obscurity was removed, Ministers would find no want of petitions, or of witnesses, but on the approach of truth, he felt more satisfaction than triumph, for it was one of the principles from which he never would deviate, fairly to state to the country their own situation—to tell them, in truth and clearness, what was doing, that they might be able to judge how their interests would be affected; and in doing this, he would rather be reckoned in that class who erred in bringing forward a superfluous inquiry, than among those whose haste would not permit them to accept even of necessary light.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* was solicitous to know why those gentlemen, who were so very anxious for a farther inquiry, would not take upon them to say, in what stage of the proceeding this inquiry should be adopted? The cause, however, he observed, of this reluctance, was sufficiently manifest; they did not wish to mention particularly the time, being conscious that the stage should have been determined, and the application made some time in the last three weeks, which had passed without advancing in the business The introduction of the Commissioners of the Revenue, which had now been mentioned, formed also another general argument for delay, to which, as such, he could not give his assent, until he knew the precise points on which it was necessary that they should be examined. That praise, he observed, which had been given him for his candid statement on Friday, was equally due to the similar explanations in every part of the business He had never given cause that it should be understood, that the general resolution was merely formal and introductory, he had even, on his first opening the business, remarked, that he would not press the House to come to a resolution, which involved in it the spirit and tendency of every one of the subordinate propositions. Many applications, he observed, had been made to him on the business, by deputations from the manufacturers in different branches. Those who had hitherto applied, he flattered himself, he had satisfied, not by any promises, as had been suggested, of subtracting from the spirit or force of the different propositions, but by a fair explanation of what had been formerly, and what was now

now given, and by removing from their minds the effects of those misrepresentations which had with so much industry been circulated. From this cause partly it proceeded, that so few petitions had been presented to the House; but if the conduct of others had been the very reverse, if they had endeavoured to pervert the understandings, which they ought to have informed, it was not therefore a wonder that that circumstance should prove a source of acrimony and disappointment. He could by no means see, he said, a cause for the present exultation of gentlemen at the opposite side. Did they argue with themselves, that because two petitions had been presented, more would certainly appear? But while they congratulated themselves on bringing forward a prodigious discovery which every one knew before, they did wish to intimate that the present petition was produced by the information of Friday last? If so, he could only say, that the expedition of the petition had been truly wonderful! He saw, he said, the use that was to be made of this supposed misunderstanding, as an instrument of delay, and that Opposition were thence to argue as if the business had only commenced on Friday. This, he said, he would by no means admit; the mode of procedure, from his first declaration, had been always sufficiently clear, and that he should therefore oppose any farther delay, in addition to the three weeks which had already been suffered to elapse in expectation.

Mr. Eden. Mr. *Eden* said, that on a subject so complicated as the present, it was inconsistent with the tenor of the professions that had been used, to refuse that delay which was necessary to obtain a perfect degree of information. He had for some time studied the business with the utmost attention, and yet could say with truth, that he was far from being able to make up his mind. The subject involved, he said, a variety of matter of equal weight and difficulty. The revenue was deeply concerned in the determination of the drawbacks; the prohibitions, which were to be removed, would essentially affect several valuable branches of manufacture; and what was by no means an immaterial consideration, the receipts of the excise were, in many instances, to be transferred entirely to the customs, and be in future received at the water-side. Whichever way he turned, a variety of difficulties met his view, which could only be removed, if it were at all possible, by a cautious and deliberate discussion. One instance he would mention as a proof: On the article of thrown silks a duty was paid here on importation of 7s. per lb. 2s. only on the importation into Ireland. Were these silks to be re-ex-

ported from Ireland into Britain, a duty would certainly be demanded of 7s. The importer would observe that 5s. only were payable, as 2s. duty had already been paid in Ireland. How, he asked, was this difference to be compromised? If 7s. were exacted, then Ireland might complain that her silks imported here, in fact, paid 9s. duty, and that every idea of reciprocity was thereby excluded. If, on the contrary, but 5s. were taken; then an impropriety equally great arose, as that silk consumed here paid 2s. duty into the Irish Exchequer.

Mr. Powys. Mr. *Powys* said, it was but fair that the Minister should communicate to the House that information by which he had himself been governed. Had he, he asked, been guided by the Reports of the Committee of Council which sat on the 14th of January? or did he mean, by withholding those lights, to insinuate, that he had himself been directed solely by intuition?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* remarked on the singularity of the question, which supposed him to have been governed in his preceding conduct, by the Reports of the Committee of Council, which succeeded his determination, and professed himself much indebted to that goodness which had left him a choice in his reply. He most certainly had *not* been guided by those Reports; it would however be endless to lay before the House the different researches which he, and those in office who had assisted him, had at different times recurred to; it was sufficient to say, that no light had been obtained which would not be communicated to the House when the matter came to a discussion.

Mr. Sheridan. Mr. *Sheridan* remarked on the turn which the Chancellor of the Exchequer had given to the arguments of his right honourable friend, who had not said that the present petitions had been received on Friday, but that numbers would in consequence of that be received, and which he himself believed would certainly prove true in the event. The right honourable gentleman had often taken an opportunity to comment with asperity on the papers which had been circulated among the people, and which he termed misrepresentations. But as those papers had contained merely a few extracts from Mr. Orde's speech in the Irish House of Commons, the misrepresentations therefore which he had reprobated belonged solely to the person who had acted under his authority. Whether that charge was just or not, it was impossible for him to say; but it appeared to all, that the two Ministers differed exceedingly in their statements. So great indeed had the difference been,

been, that if he gave credit to Mr. Orde's assertions, as an English member of Parliament, he could not vote for the propositions: and were he to assent to all that the Chancellor of the Exchequer here had advanced, as a well-wisher to Ireland, he most certainly would reject his proffers. That right honourable gentleman, he observed, had disclaimed any assistance from the Reports of the Committee of Council, and had thereby informed the House, that those Reports were intended for no other purpose than to justify, if possible, a measure which was already determined. The right honourable gentleman had insisted, that the tendency of the general resolution was clearly known before his declaration of last Friday; that the manufacturers, however, had not so understood it, he could bring abundant proofs; and he would appeal to the consciousness of, perhaps, a majority in that House, whether it was clear even to them. Another assertion of the same right honourable gentleman had been, that all the merchants, manufacturers, &c. who had applied to him, had all their apprehensions quieted, and departed in perfect satisfaction.

To prove how equally ill-founded this assertion had been, Mr. Sheridan proceeded to read an advertisement from Mr. Wedgwood, whom he complimented highly as a man of intelligence and probity, and the Committee at the London Tavern, stating, that they had by no means conceived the tendency of the general resolution, nor had until now viewed it as conclusive and final, and therefore summoning those concerned to consider on means to avert the impending evil. These, he observed, were gentlemen who were supposed to have had their disquiets removed by the Minister; if they laboured under this misconception, why should it not be argued that a similar delusion had also prevailed with others? The right honourable gentleman had stigmatised the grants made to Ireland by the noble Lord in the blue ribband, in the year 1780, as rash and inconsiderate concessions. He should now be extremely cautious, lest the precipitancy of the present moment might justify, in future, an appellation of keener and more deserved severity.

Mr. Chancellor *Pitt* said, that he had certainly condemned the papers that had appeared, as well as the industry which circulated them. He had also stiled them misrepresentations, not because they contained extracts of Mr. Orde's speech, but because the extracts were false. They had made Mr. Orde say, that Ireland would in future be the emporium of the British empire; an assertion which he never made, and which he had since contradicted in the Irish House of Commons. The distinction, Mr. Chancellor Pitt.

distinction, he added, between his speech and that of Mr. Ord, was solely this, that in the latter it was necessary to state the advantages which would result to Ireland from the regulations; in the former it was requisite to prove, that these advantages could be given without detriment to Great Britain. The inferences, he said, that had been made from the advertisement, signed by Mr. Wedgwood, went by much too far. He had not at any time promised them contrary to the spirit of the propositions, and every thing that did not contradict that spirit he was ready still to grant. The merchants therefore were by no means concerned in the acceleration or delay of the propositions, as the circumstances to which they wished to attend belonged rather to the detail of supplemental regulation.

Mr. Sheridan said a few words in reply.

Lord North. Lord *North* observed, that nothing could be more unreasonable than the reply of the Minister to every application for a proper investigation of the business. He asked why it was not demanded before? For his part, he had expected every thing from the Report of the Committee of Council. He supposed that they would have gone through all the propositions. He now found that two only had been the objects of their discussion. He had heard from some gentlemen, that the manufacturers were absolutely satisfied; yet he could now hear repeated murmurs of discontent. On this account, and when he considered that the present transactions were intended to be permanent and unalterable, he wished that a proper inquiry should be pursued, and an adequate time allowed for the discussion. It was his opinion, therefore, that the present motion being withdrawn, the Committee might sit to-morrow; and that the Commissioners of Excise and Customs be ordered to attend.

Mr. Dundas. Mr. *Dundas* said, that he had been predetermined against any inquiry, but to particular points; and though the noble Lord who spoke last, had, when making similar grants, indulged the House in no inquiries like those he solicited at present, yet he really was of opinion that the Commissioners should attend. He was sorry, however, that he could not divine the particular points on which they were to be examined, as the honourable gentleman (Mr. Eden) who alone had mentioned any such, had spoken with such rapidity, as that he could not perfectly collect his observations.

Mr. Eden. Mr. *Eden* repeated what he had said; but added, that it was impossible to say how far, and on what points the Commissioners might be examined, as one question would naturally give birth to another.

Mr.

Mr. *Fox* still contended, that a delay was a matter of absolute necessity. The accounts on the table, on which so much stress had been laid, were frivolous and insignificant; they were merely statements of the past, not explanations of the future. He adverted with great severity to the proceedings of the Committee of Privy Council, which had, he said, been adopted merely to sanction the preceding determinations of Ministers, which had been pursued without consulting them. It was plain that the Ministry did not seek to gain light from their inquiries, therefore it must follow that the Privy Council had been introduced into the business, merely to impose on the House of Commons by the aid of their authority. Mr. Fox.

Mr. Chancellor *Pitt* vindicated the conduct of Administration, in submitting the inquiry to the Committee of Council, who, in that case, acted for the Board of Trade; of which, he said, the abolition had been severely felt. Their assistance, he said, had been called, in not to sanction proceedings which stood in need of such aid, but to digest the necessary evidence, in order that it might be laid in a proper state before that House. Mr. Chancellor Pitt.

Mr. Pitt's motion was then withdrawn, and after a few observations interchanged between Mr. Pitt and Lord North, the order was made for the attendance of the Commissioners of the Customs and Excise the next day.

Mr. *Gilbert* brought up from the Committee of Supply the report of the Ordnance Estimates. Mr Gilbert

Mr. *Bastard* stated to the House what had passed on a former day, when it was agreed that this report should be recommitted for the purpose of a farther discussion, he concluded a few observations therefore, by making the motion for the re-commitment. Mr. Bastard

Capt. *J. Luttrell* opposed the motion, and went into a defence of the necessity of the fortifications at Portsmouth and Plymouth. The erection of them, he contended, could not be prejudicial to the fleet, as we need not maintain a ship the less; but that, on the contrary, it was in vain to increase the numbers of our fleets, unless by these fortifications we left them free to act, and precluded them from the necessity of remaining as a stationary defence. No person, he said, could oppose these erections who recollected the danger of our dock-yards in the last war, when Portsmouth was reduced to the necessity of removing the buoys that marked the entrance into the harbour, as if it had been a port in Otaheite, totally unknown to any but the inhabitants. In fact, this was now, he asserted, the only rational method of exertion left us. If we increased our fleets, France, Spain, and Holland, would do the same. If we built ships beyond a certain number, it Capt. James Luttrell.

would

would be impoffible to find men to man them, as had been experienced in the laft war. The ports, he faid, propofed to be fortified, were thofe where, as there was no advantage of fituation to be taken, there muft be an equal fleet to oppofe an invader. Thefe erections, he faid, would juftify the occafional abfence of the Channel fleet, when convoys, &c. required their attention. They could be manned by thofe who would be ufelefs, if regularly drawn up before an enemy; and if they fhould even be taken by an invader, they could not be converted into a ftrong hold, as had been afferted, but could be eafily retaken by the force of the country. It had alfo been obferved, that this country could not fupply a fufficient garrifon for their defence. He begged leave, however, to remind the Houfe, that in the laft war this country had raifed 75,000 feamen and foldiers, befides 34,000 militia, and 6,000 fencible men, and that the force which would be required to defend them, would be only 10,000 for Portfmouth, 15,000 for Plymouth, and a very fmall number for Chatham, as being fo near the capital. He then entered into a detail of the fuppofed expences, which, by his account, appeared confiderably lefs than had been reprefented, particularly in the article of lands purchafed, which had been rated at 100,000l. but which he mentioned to have coft but 55,000l. He concluded with a long eulogium on the virtues and abilities of the Mafter General of the Ordnance: thefe, he faid, were fuch as to render it highly unjuft to condemn in general his plans, until fome fpecific error had been previoufly proved.

Captain M'Bride.

Capt. *M'Bride* faid, that though the prefent was a fubject which was rather *out of his element*, yet, as it was connected with it, he felt himfelf called on to deliver his fentiments, which he would do very briefly. He had faid, in a former debate, that no landing could be effected at Whitfand Bay; he was ftill of that opinion, and he would venture to fay farther, that there was only one place to the weftward of Plymouth where any confiderable armament could be landed. Had the noble Duke, at the head of the Ordnance, he faid, deigned to confult the experience of many naval officers on the fubject, they would have told him, that that place was within eight miles of his lines. He did not, he faid, think it right publicly to mention where we were moft vulnerable; but he was confident, that the eaft fide of Plymouth, was the weakeft, and to that no attention had been paid. He thought it ftrange, that in a bufinefs of fuch confequence to this country the advice of profeffional men had not been taken. The plan ought to have been made upon the fpot, and after that

plan had been determined on, it ought not to be under the controul of any Mafter General of the Ordnance. He was for guarding againft enterprize as much as any man; but when he faw the futility and abfurdity of the plans propofed for our defence, he fhould be wanting in that folicitude which, he trufted, he fhould always feel for the good of his country, if he did not ftrenuoufly oppofe the lavifhing of the public treafure upon objects, which were by no means calculated to anfwer their intention.

Mr. *Courtenay* faid, he felt himfelf called on to declare, that what he had faid in a former debate, and what he fhould now take the liberty to fay on the fubject, did not proceed from any pique or perfonal refentment he entertained againft the noble Duke now at the head of the Ordnance. He had received perfonal civilities from that noble perfon, and, when in office, had more than once been honoured with his approbation. The privilege, however, of a free difcuffion of thofe matters which the noble Duke had fubmitted to the confideration of the Houfe, he certainly would take, and though he had not implicit confidence in the prefent Board, he was free to declare he entertained no prejudice againft thofe perfons who compofed it. The conduct of the late Board, he faid, had been mentioned with fome triumph, as not being more deferving of praife than the prefent. Without entering into the merits of this argument, if any merits it had, he faid, it was ftrange that the prefent enlightened Board fhould perceive the errors of the former, and yet follow its example at an infinitely greater expence to the nation. The prefent Mafter General of the Ordnance, he could not deny, had fome abilities, and he had perfevering induftry. It was rather unfortunate, he obferved, for this country, that his Grace's paffion for engineering had broke forth at fo late a period of his life —When an old man fell in love, there was nothing, however ridiculous, that he would not propofe, and nothing fo prepofterous that he would not agree to, to accomplifh the gratification of his paffion. The noble Duke, he believed, meant well, but Mr. Courtenaye.

"A little learning was a dangerous thing;"

And in nothing was it more dangerous than in the fcience of engineering: in moft other fciences, it only expofed the individual to a little contempt and ridicule, which was of no great confequence. The only mode of defence left for the noble Duke's friends, was to fay, (which, perhaps, they might with fome truth) that he had *not* even a *little* learning, and therefore did not come under this predicament. Half conceptions,

 rude

rude notions, exclusive of their being expensive, in engineering, were to the last degree dangerous and destructive. In the Ordnance Report Mr. Courtenay observed that the noble Duke had complied with the amendment which had been negatived, as he had seen the force and propriety of it; and shewed how little regard he had for a majority, who even voted in his favour, when he disapproved of the principle on which they voted. A right honourable gentleman (the Secretary at War) had, with that intuitive sagacity which always arises from office, suggested the danger of giving such information as the amendment pointed out, viz. because it would expose the intended situation of our military works, &c. This admirable reason had such an effect on the House, that the amendment was instantly negatived; yet the noble Duke had, in defence of the right honourable gentleman's ideas, explicitly complied with it, and by doing so, neither treated him nor his majority with great respect. In every respect, he was always ready to do the noble Duke ample justice. It had been invidiously said, that he was a rigid and austere reformer; that he was severe and unaccommodating, and would never deviate the least from a rigid, and sometimes oppressive œconomy. This report, Mr. Courtenay asserted, was injurious and ill founded; for he could assert, that the noble Duke had (about two years ago, in a debate in the House of Lords) made use of these very words: "Great and "extensive is the influence of the Board of Ordnance; there "is one borough, Queenborough, from which almost every "vessel in the Ordnance service is taken up, merely to main-"tain an influence in that borough." On the last Master General's (Lord Townshend) coming in, the proper officer was ordered to report, and give in an account of the expence and employing of these Queenborough vessels; an order was actually made to discharge such as were unnecessary. However, this œconomical plan (for very proper reasons no doubt) was not adopted by the noble Duke; and these vessels were actually all retained, and unnecessarily employed at that moment. The saving that would have arisen from this, Mr. Courtenay could not exactly ascertain, but he believed it might amount to as much as all the noble Duke's savings in 1785. Much pains, however, he said, had been taken by the noble Duke to accomplish his favourite pursuits, with a due regard to frugality;—the important savings of three farthings on a wheelbarrow, or a sand-bag, had been submitted to the approbation of the House, with all the ostentatious pageantry of Ordnance œconomy. The noble Duke had likewise

wise found, that the *Sussex* wood made excellent gun-carriages; and that Mr. Andrews, at Chichester, could furnish it cheaper than any body else. He had heard the noble Duke declare, that the influence of the Master General of the Ordnance was great and extensive, and he had, no doubt, found it so. With regard to what he had said on a former occasion, and which he had been challenged to prove, that the plans projected by the present Board would cost the nation a million and a half, or two millions of money, before they could be carried into execution; he was still of that opinion, and was not disposed to retract it; and in this he had the concurrence of several officers of experience and estimation of the service. The noble Duke had however now said, that he had reduced his plans to a smaller scale; it was, however, an expensive reduction, for it was, in fact, pulling down large works, on which large sums had already been expended, to erect others in their stead. This was reducing with a witness. However, this inquiry, he said, would not have been useless; one benefit which it had already produced was, that it had contracted the original plan, and of course diminished the expence; for the noble Duke certainly meant to have executed a much more extensive plan, to which, Mr. Courtenay said, he had alluded on a former day; for instance, a work near the road, which crossed the Morass, a little below Grange fort; another inserted in the plan, between those prepared for Frater Lake, and the ground near Rowner Church; the large work near on Brewer Down, and some others extending towards Titchfield Haven; another on the Maker Line (Plymouth) on the point of land on which stands the King's Brew-house; as the enemy, in spite of the works on Pier Point and Mount Edgecumbe, may bombard both the harbour and dock-yard. But the noble Duke's Report confirmed the former extensiveness of his plan in the strongest manner: "The eastward side of Plymouth would require "at least five considerable forts to keep an enemy out of "reach of bombardment, by means of fortification." This expression Mr. Courtenay pointedly ridiculed, insisting it meant that the fortifications protected the enemy from being bombarded; and this, he believed, would be the only use of such constructed fortifications.

In constructing works of this nature, and considering their importance, if properly carried into execution, he was surprized, he said, that the noble Duke had not called to his aid every professional assistance. The advice, not only of the engineers, but also the opinion of naval officers of experience, ought to have been consulted on every step that was taken.

With regard to the extent of the lines ſome general officer of acknowledged abilities ſhould have ſuggeſted his ideas on the ſubject. All this, however, had been neglected. He would beg leave to aſk the noble Duke, if Lord Hood, Lord Howe, Earl Cornwallis, Sir William Draper, or any other officer of experience, had been conſulted? If they ſhould tell them they had examined thoſe works, and that they would anſwer all the purpoſes pretended; and engineers on a correct and accurate calculation ſhould ſay, they could be executed for the ſum propoſed, that would make ſome alteration. But it was ſtill aſſerted, that thoſe impregnable fortifications muſt depend for their reſiſtance, upon the zeal, activity and efforts of the inhabitants; in which no man had a greater confidence than he had. But of all the inhabitants of the iſland, in which he had the greateſt confidence, were thoſe who conducted the navy of the country; it was to thoſe ſtrenuous and undaunted efforts we owed, and always ſhould owe, the proſperity, the greatneſs, and the protection of our country. In our reliance on the navy, we relied upon men of tried and known abilities, and upon men of all parties. He knew a noble Lord in his eye, (Lord Mulgrave) of whoſe courage and conduct he had ſuch an admiration, that he profeſſed a moſt ſincere wiſh he was always employed in his profeſſion, and he ſeldom heard him ſpeak without ſincerely wiſhing him at ſea. Mr. Courtenay added, that his ſituation and property were not ſufficient to expoſe him to any very heavy increaſe, from the great additional burden of a million; which was to be voted that night. The noble Duke had ſubmitted a memoir to the Houſe in the account which had been given of the expenditure, and it was worded in ſuch a particular manner, that it appeared to him to be ſomething like the proteſts of the other Houſe. The bug-bear of invaſion, and burning our dock-yards, he ſaid, had been always held out to us as a pretence for the neceſſity of the extent of the preſent plan, and in order to induce the Houſe to part with their money eaſily; but if the prodigious expence of thoſe expenſive lines of fortification was conſidered, it would be much better to run the riſk of a bombardment every year than ſubmit to it. There were many ways in which a bombardment might be prevented from being ruinous to a dock-yard. The timber might be floated in the reſervoir, and the pitch and tar might be ſunk without injury. The hemp, indeed, was the only combuſtible to which that remedy could not be applied. It, however, might be eaſily ſecured, by being placed in a bomb-proof ſituation, which in a dock-yard was

was easily formed by logs of wood and pitch. What would be thought, he said, of the intellects of a merchant, who, instead of warehousing his goods, storing them securely in his cellar, and locking the door, should hire four or five hundred men to protect them on the wharf? He must say, that the conduct of the present Master General was something similar. To protect the dock-yards, he would plunge the nation into an expence altogether enormous, for the purpose of doing that which would be more effectually done by a third part of that expence. Every body knew that military works cost much more than the estimate. Were the present plans to be carried into execution, the expence did not cease then—we must provide for perpetual repairs, so that this, with the interest of the money expended, would cost the nation at least 80,000l. annually, which was a sum not contemptible even to form a sinking fund for the payment of the national debt. He was glad to see the independent country gentlemen interest themselves on this occasion. He hoped they would all join in reprobating a measure so pregnant with mischief as this was to their country. When they came forward, what Administration would dare to oppose them? For my part, said he, I am so far from considering this as a party question, that if the noble Duke were to abandon his fortifications to-morrow, I would not be the man to follow any person into the breach. I am of a timid and of an apprehensive nature [a laugh.] He then adverted to the pitiful savings of the State, who, while they were lavishing with a profuse hand the public treasure, on the most vain, idle and absurd projects, had sent many brave and deserving officers to hide their heads in country villages, and to spend the remainder of their days in indigence and obscurity. It had been said, that the propriety of the projected fortifications had been approved of by a committee of engineers. Without meaning to throw any stigma on any part of a corps, for whom he professed the highest regard, he must think that their approbation would be in some degree partial. He had heard that their opinion had not been unanimous, it was said there was a division; but this the noble Duke had not thought proper to mention He would beg leave to ask the noble Duke, if Colonel Debbeig had been consulted? and surely there was not a man in the kingdom, nay even in Europe, more capable of giving every information on the subject. He knew likewise many other officers of high rank and reputation, of whom not a single question had been asked. How would the noble Duke reconcile this to his ardent desire of

promoting the welfare of the nation? Instead of rejecting or neglecting the advice of professional men in a matter of such magnitude, he ought to have courted their counsel with avidity, and submitted to correction when he was wrong. Mr. Courtenay then called on the Minister to act up to his repeated declarations and professions, adding, that it was not that inferior, subordinate species of œconomy, which might furnish materials for a speech that would be of essential benefit. We were not in a situation to take words for things. The credit, the honour, the reputation of the Minister, depended upon that night's decision. Did the Master General mean to terrify them into voting a million of money through the chimerical dread of a ridiculous bombardment, or the destruction of their dock-yards? He acted like a fortune teller, who foretels a calamity, and then thinks he has a right to our money for his *prediction*. And indeed, he must say, the Board of Ordnance concluded their Report by a most irreconcileable piece of burlesque, making an apology for giving so much information; for as they depended on the Minister's getting the estimate voted, they thought it would be more difficult to prevail on the House to do so, after giving such information, than without it; and therefore very handsomely made an apology for their imprudence.

For his part, he was of opinion, and he did by no means rely on his own judgement, that if the old works projected by General Conway were put in repair, it would answer every essential purpose for the protection of the dock-yard. Besides, were the extensive lines of fortification that were now projected by the noble Duke to be finished, he would pledge himself to the House to prove their inefficacy, and that they were by no means calculated for the purposes they were intended for. He thought the House, before they granted such large sums, ought to be satisfied of the propriety of their application. He concluded with giving his hearty assent to the motion of re-commitment.

Col. Barré. Colonel *Barré* rose to speak for the first time since he had been deprived of sight, The Colonel began with complimenting the country gentlemen on the high honour they had done themselves, by taking up this subject as they had done. He said, the subject was one of the most serious and important that had ever been agitated within those walls. It required, therefore, great consideration. In order to lead the House to a due prospect of it, he said, he would state from memory, for he had now, God knew, no other assistance, what had been the sums voted for the ordnance at different periods

periods of our history. He cited the year after the treaty of Aix la Chapelle, the year 1763, after the treaty of Paris, and the years 1783 and 1784, comparing the amounts of the grants for the Ordnance Estimates at each period. He shewed, that it had arisen from 70,000l. to 110,000l. and 115,000l. and that during the late war, the House in one year voted 1,600,000l. for that service. In 1784, 600,000l. was the sum granted, and this year Parliament was called upon for so much more. He reprobated the doctrine that Mr. Luttrell had held, that we could not, in case of a new war, send more than one hundred sail to sea He stated the numbers of seamen borne and mustered at different periods of our late wars, and said, if they were so imprudent as to lavish away and waste the sinews of war in time of peace, probably they might not be able to send a respectable navy to sea in case of a rupture. He trusted, however, that the Minister, whom he knew to be an honest man, would prevent any such pernicious abuse from prevailing, and would not let slip the moment of peace, the fittest of all moments, to look to the situation of the country, the situation of its finance, and its comparative state relatively considered with other countries. He denied that it was fair to put the case, as if Great Britain was again to have France and Spain and Holland at once at war with her, and at the same time to be wasting her fleets and armies on a ruinous war, carried on at three thousand miles distance. He said, he considered what had lately happened as a concussion of nature, provoked, in a great measure, by our own folly, but not very likely to happen again. Let us look at the more probable event, viz. that of France and Spain joining against us; for Holland, he did not believe, would take the sea as our enemy of a sudden. Let us then view our navy and that of the House of Bourbon. Put the case, that France and Spain had 120 sail, Great Britain only one hundred. A combined fleet had a radical defect in it, especially a combined fleet of two powers, naturally odious to each other. The circumstance of its fighting under two captains, instead of one, was always a capital inconvenience. These circumstances considered, was there a man who would hesitate on which side he would make his election, the fleet of one hundred sail, or that of an hundred and twenty? France, it was true, was a fortified country. Why? Because her kingdom lay within the reach of the active maritime foe. France, therefore, did wisely to fortify, but in our more compact insular situation, we should be madmen to follow the example. It had been well said by a modern author, *Praise was the*

the daughter of present power. He wondered not, therefore, at the encomiums he had heard that day. The corps of engineers was an unprotected, neglected, oppressed corps: they were under the necessity of according with the opinions of their principal, for if they gave their honest and sincere opinions, perhaps they would lose their bread. He entered into a discussion of the pay of the officers. A full colonel, he said, had no more than eighteen shillings a day, and nine shillings addition, when on actual duty; whereas all other colonels had more. A colonel in the Engineers also was obliged to have a sort of establishment of his own about him, that was attended with more expence than the colonels in the regulars, who could live with each other in mess. He spoke likewise of the Artillery, and said, for the noble Duke at the head of the Ordnance to point his œconomy at the corps of Engineers and Artillery was an ill-advised measure. Those corps were the only part of the army founded in science, scientifically brought up, and professionally learned. They ought therefore to be encouraged as much as possible, to be distributed through the army, to make science spread, and not to be harrassed by new and distressing arrangements. With regard to the plan of fortifications proposed, it was a question on which the right honourable gentleman at the head of the Treasury was as competent to form judgement as any man; it was a question of state, and, as a statesman, it was his duty to decide upon it. Let the right honourable gentleman therefore do what was proper. Let him look back to our history, and see what Queen Elizabeth did for the safety of her kingdom, when an invasion was threatened; though she had a Raleigh in her service, and other great, able, and distinguished officers, she trusted not to the advice of any one of them, but profited by the collected wisdom of her naval and military servants, and convened a meeting of the most experienced and renowned, and bade them prepare a plan adapted to the danger of the crisis. Let the right honourable gentleman follow the precedent with regard to the proposed fortifications. Let him not trust the determination of its propriety in any single hands. Let him refer it to some of the ablest officers we had, both naval and military, and let their reports, after due discussion and investigation, be considered as an authority safe for that House to rely on. Of all times this was the most fit for the investigation of such a question, while our officers were green in the recollection of active service, and before they had lived in that seat of luxury and ease, long enough to forget all they knew. It was a question of

great national importance, and not to be trusted solely even to the corps of engineers. The Colonel enumerated the Masters General of the Ordnance from the time of Lord Ligonier's presiding at the Board till the resignation of the late Master General, Lord Townshend. They were, he said, men of great bravery, great knowledge, and great experience, and no one of them stood higher in character than Lord Townshend. No man had sought for service, and courted it in every quarter of the globe, more ardently; nor had any man, he firmly believed, come out of office with cleaner hands, or a more unimpeachable integrity. Could the noble Duke, the present Master General, state himself to have commanded armies, and led them on to victory? If he could not have stated himself to have stood remarkably distinguished by his service and his experience, with all his respect for his great talents and known honour, he must excuse him, if he contended that a plan of so important a nature ought to be decided by the collected wisdom of men of experienced abilities, and tried and long service. He paid the Ministers many compliments; he said, the right honourable gentleman was fortifying where he ought to fortify, and he deserved the thanks of his country for the fortifications he was employed in. He was fortifying the empire, by his endeavours to knit and draw together the remaining parts of it. He was fortifying it, by rooting out the abuses of office, and more especially by scouring the Channel of our worst foe, the smuggler, who defraud the revenue, injured the fair trader, and carries the current coin of the kingdom out of it. These were true fortifications, wisely projected, and built on a firm basis. An honourable gentleman, he observed, had asked him if he knew Colonel Debbeig? He knew him well, knew his worth, knew him to be honest, and he was sorry to add, knew him to be oppressed.

General *Burgoyne* spoke against the enormous plan of fortifications proposed, and reprobated them in their principle as well as detail. General Burgoyne.

Mr. Chancellor *Pitt* desired the House to recollect, that the mode proposed by the motion, was not that which would lead to the object in view. The referring the present Report to the Committee would give no opportunity for the discussion of the subject, which was in the contemplation of those gentlemen who had spoken to it, because such reference to the Committee could only bring on a question, with regard to the estimates for the present year, contained in that Report, which were by no means objected to. He said, that Mr. Chancellor Pitt.

there had been 50,000l. granted last year, for the purpose of the fortifications, which had not yet been touched, and he should be extremely willing that that sum should lye by until Parliament should have full time to come to an opinion with regard to the expending of it in the manner it was first intended. He should be sorry to see a question of this nature take the turn which had been attempted to be given to it, some gentlemen having endeavoured to shew in what places and by what means our ports and dock-yards were most vulnerable; and, he hoped, would serve as a caution to gentlemen how they pressed a subject of this confidential nature too far, as they might see from that night's debate, that a species of information might be delivered, which, at the same time that it could give the House no useful light, might yet in another place effectually open the eyes of those who ought to be kept in ignorance. He observed, that the doubt suggested was such as involved the two most important interests of this country; the one related to our ability in point of finance, and certainly, considering the depressed state of our revenue, it ought well to be considered how far any expence which we might incur was consistent with our situation and ability to afford; and the second regarded our marine, a part of our policy, if possible, as essential as that of our Treasury. He apprehended there would be two necessary considerations on the subject, one, whether the proposed system of fortification was absolutely necessary or not; the other, whether it could be done in a cheaper manner than that which it had been estimated at. He by all means approved of the idea which had been thrown out, that a more solemn and more general opinion should be taken on the subject of fortifications than that of the Board of Ordnance, and said, he should be very willing to consent that a restraint should be put on the expenditure of the money already granted for that purpose, until Parliament should be satisfied from the report of persons in the first ranks of the several military departments, how far the object in view was worthy of the expence; for he observed, that if the fortifications were found to be necessary towards the preservation and safety of our navy, it would be impolitic to hesitate at almost any expence that could possibly be afforded towards the promotion of the security of that great and only national bulwark. And here he observed, that, for the preservation of the British character, he should be heartily sorry ever to see an idea become prevalent in this country in favour of defence by fortification. He said, that he

he had felt pain at the reflections thrown out in the course of the debate against the noble Duke at the head of the Ordnance. It had been asked, had he ever commanded in chief? Had he ever led an army to victory? In short, had he any practical experience? Yes, he was bold to say, the noble Duke had practical experience; for though he had never commanded an army, nor led one on to victory, yet he had served under and lived in habits of intimacy and confidence with many of the first military characters of the present age; and besides, had not only spent a considerable time in the army, in actual service, but had also travelled through countries, whose situation had peculiarly attached them to this mode of defence, where the noble Duke had made the principles and practice of it his particular study; and nothing appeared to him more certain than this, that if a late war, in which we were engaged, had not been of such a nature as precluded the noble Duke from taking any command in it, consistent with the political principles he professed, that he would before now have commanded armies, and more than probably have led them to great and glorious victories. He animadverted on what had fallen from Colonel Barré with severity, and concluded with declaring, that he placed the utmost confidence in the Duke's abilities as well as integrity, and was sensible that the Public would never suffer under his administration of the Ordnance.

Mr. *Bastard* said, nothing could be more fair than the proposal to examine General Officers on the business; and said, that if Mr. Pitt would agree that such inquiry might take place, he would withdraw his motion. Mr. Bastard

Mr. Chancellor *Pitt* agreed, and the motion was withdrawn, and the question of Supply put off to a future day. Mr Chancellor Pitt.

Tuesday, March 15.

The order of the day being moved for going into a committee for taking into consideration so much of His Majesty's speech as related to the Irish trade,

Mr. *Eden* thought it necessary to state to the House the purposes for which he moved for the attendance of the Commissioners of Customs and Commissioners of Excise, together with the motives which induced him to it, previous to going into their examination. Since their first introduction, he had paid the strictest attention to the propositions which were Mr. Eden.

now before the Houſe, and what principally occurred to him as one of the leading difficulties, was the ſubject of the fifth propoſition. The more he conſidered it, the more its difficulty increaſed in his mind; if countervailing duties were to make up here in the importation, for the inequality of exciſe duties between this country and Ireland—to do this, would lead into ſo intricate a detail of particulars as would never admit of any order or preciſe regulation. And allowing that the duties on the import here would be equal to the preciſe internal duty which the people of this country are ſubject to; on the bare article of importation there were ſo many collateral advantages poſſeſſed in that country, in the cheapneſs of labour, and the cheapneſs of the materials for manufactures, as could not come within any regulations. There were alſo to be conſidered the compound duties paid in this country, as well in the raw materials as in manufactures, when finiſhed. The inconſiderable duties to which Ireland was ſubject in the importation of the raw materials, would give them the advantage in our market, even after the countervailing duties on the importation had been paid. For inſtance, in the article of ſilk manufacture; thoſe duties, which amounted to no more than fifteen pence on importation of the raw materials in Ireland, were not leſs than ſix ſhillings in this country. Connecting this with the cheapneſs of labour, candles, and materials for carrying on the manufacture, it would give the Iriſh dealer the advantage of pouring in theſe articles on us, infinitely more reaſonable with regard to terms, than we could make them ourſelves. In the preſent ſtate of this country it was matter of no ſmall magnitude to remit them certain revenues, which our exciſe duties produced, for the uncertain and precarious ones of import duties. It was a ſubject on which every mode of information ſhould be adopted, when ſo much depended on the reſult of the meaſures. There were ſix articles, on which exciſe amounted in this country to *one million and a half* annually: he meant the articles of tobacco, ſoap, ſugar, glaſs, ſalt, and leather; all of which thoſe propoſitions would put in the power of Ireland to ſupply us with. It remained then for conſideration, whether on a ſuppoſition that no other objection lay, it would be prudent to riſk ſo important and certain a part of our revenue, for the precarious return of thoſe countervailing duties. There were many other articles on which the very exiſtence of our revenues in a great meaſure depended, which were endangered by this ſyſtem, and which this country ſhould be attentive

attentive to, viz. The importation of ſpirituous liquors into this country from Ireland. Some gentlemen might ſuppoſe him to point to a danger very remote, when he ſhould expreſs his apprehenſions with regard to *tea*; and yet a little reflection would ſhew that fears on this ſubject were not entertained without foundation. The period was not now very diſtant when the Company's charter ſhould expire, and under theſe reſolutions there certainly remained no power in this country to renew it with the ſame, or indeed any excluſive privileges. The diſpoſition which was already manifeſted in Ireland to avail themſelves of the advantages of the Oriental trade, would ſhew, that on ſuch an event they would not be induced to reſign their pretenſions. It was yet freſh in the recollection of this Houſe and the country, what ſevere meaſures were taken to prevent ſmuggling in this country; and in this very article of tea, a commutation had been made, which muſt operate as a permanent land-tax in this country; and it was ſurely worth while to reflect a little, whether this ſyſtem now before the Houſe would not neceſſitate them to commute all their exciſe revenue for other land-taxes, in order to provide againſt unavoidable defalcations, as well as abuſes. For this purpoſe he thought it was neither light nor idle to call in the advice of people moſt converſant in either part of the revenue, to give the Houſe every requiſite information on points of ſo much importance.

Mr. Chancellor *Pitt* admitted the poſſibility, and even danger, of Ireland taking advantage of ſome parts of what belonged to the fifth reſolution; but contended, that the only way of forming a juſt opinion, would be by balancing every advantage which ſhould appear to weigh on both ſides of the queſtion. He ſaid, that ſhould the Houſe agree in the danger to which the manufactures of this country would be expoſed by importation of articles of Iriſh manufacture; by omitting the laſt ſentence in the fifth reſolution, the objection would be in a great meaſure done away. With regard to the danger with which the revenue was ſuppoſed to be threatened, and to ſubſtantiate which, the gentlemen who now waited on the outſide the bar had been called; it would remain for the Houſe to exerciſe their judgements when the examination ſhould be concluded. When he made that declaration in the Houſe, about which ſo much had been ſaid, that the ſpecific reſolutions were included in the general propoſitions, it could not

Mr. Chancellor Pitt.

not be ſuppoſed that he meant abſolutely, and in every minute particular to confine the Houſe to every ſentence of it; he meant inviolably to preſerve the ſubſtance of it; but the change which he propoſed in omitting a paſſage in the fifth reſolution, would be no infraction of the ſpirit of the propoſitions, as not being eſſential to the principle on which they were founded.

Mr. Fox. Mr. *Fox*, after remarking on the right honourable gentleman's admiſſion of the danger pointed out by his honourable friend, claimed his attention to the clauſe propoſed to be omitted, which, he ſaid, however the right honourable gentleman might think of it, who had ſo wonderful a dexterity in differing occaſionally with the interpretation generally given to theſe propoſitions on the other ſide of the water, was certainly conſidered as a material part of the reſolution in Ireland. This, indeed, was plain from his own words, that, even in his mind, it was of conſiderable importance, elſe why propoſe to change it, when objections and difficulties had occurred. For his part, he had not penetration ſufficient to underſtand the refined diſtinctions now made by the right honourable gentleman. He could not conceive how a clauſe ſhould be of the *ſpirit* and *ſubſtance* of a reſolution, and yet no way *eſſential to its principles*.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* explained, by ſaying, that what he propoſed to be omitted, was not averſe to the general meaning and ſpirit of the propoſitions, nor was it ſo eſſential to the principle as to be neceſſary to be retained. In mentioning the ſpirit and ſubſtance, he never meant that it ſhould extend to the literal words of any reſolution.

Mr. Eden. Mr. Jenkinſon. Mr. *Eden* and Mr. *Jenkinſon* ſaid a few words; after which the Commiſſioners of Cuſtoms and Exciſe, who had been ordered to attend, were called in; and Mr. Eden requeſted they might be aſked, whether they had ſeen and conſidered Mr. Ord's propoſitions to the Houſe of Commons of the 12th of February. Anſwer: We have ſeen them curſorily in newſpapers, but did not conſider them with any deliberation, or officially, as a board.

Mr. Chancellor Pitt. Mr. Eden was proceeding to put another queſtion, when Mr. Chancellor *Pitt* moved that the Commiſſioners withdraw; which being done, he remarked, that as they had profeſſed themſelves to have formed no opinion, it was in vain to aſk them any farther queſtions as a board. He would therefore propoſe that gentlemen would ſelect three, whom they

they thought most intelligent, and draw what information they intended from them.

Mr. Alderman *Watson* could not approve of taking the opinions of any of the gentlemen severally, some of them not having been more than one month members of the board. He would rather propose, that the business should be referred to them officially, as a board, and their report taken on it afterwards. Mr. Ald. Watson.

Mr. *Fox* perceived that any information to be drawn from them at present must be in a great measure nugatory, as they were unprepared to answer officially, or deliberately on the subject. He was, however, entirely of opinion that their advice and opinions should still be resorted to; not with intention that any such opinion should be conclusive, but that, with other arguments, they may have their weight with the House. He was not sure that the mode proposed by the worthy magistrate would be sufficiently regular and proper; but the manner proposed by the right honourable gentleman was such as he could by no means agree to. He submitted whether it would not be proper to propose to the Commissioners certain questions, which they, after due deliberation, should form their opinions on, and come to the House prepared to give an answer. By this means, any thing which should appear obscure in their meaning, might be explained by interrogatories. Mr. Fox.

Mr. *Dundas* had foreseen that no information could be gained by demanding the attendance of those Commissioners, though he did not wish to oppose the motion made for that purpose. He was equally confident that no advantage could result from the manner now proposed, for the business of the Board of Excise was not to consider of laws that were to be made, but to obey and execute those which had already been enacted. The same was said of the Board of Customs. However, if gentlemen explained the question which they intended to refer to the Board, he would withhold any opposition to the motion. Mr. Dundas.

Mr. *Marsham* recommended to the right honourable gentleman, before he made such assertions as those against the Board of Customs, to appeal to the right honourable gentleman near him, or any other Minister who was conversant in finances, and he would find that nothing was more usual than to consult that Board before new taxes had been proposed. When the revenues of the country were so much concerned, and the certainty of 1,500,000l. thrown away, which annually Mr. Marsham.

ally arofe from the Excife duties, merely in expectation of an uncertain, precarious benefit from countervailing duties, it was the bufinefs of every member of Parliament to take care that the landed property of the kingdom would not be obliged to pay at laft. To obtain information and fatisfaction on this point, he for one would put in his claim to receive that information which he confidered thefe Boards fo capable of giving.

Mr. Dundas

Mr. *Dundas* acknowledged, that fometimes the Commiffioners were confulted when taxes were propofed; but this queftion was quite of another defcription, arifing folely from political confiderations.

The Lord Advocate of Scotland.

The *Lord Advocate of Scotland* (Mr. J. Campbell) fpoke in a very low tone of voice under the gallery, which prevented us from hearing more of his fpeech, than that he mentioned the petitions prefented againft thofe propofitions from Scotland, which, he faid, were haftily drawn up, but he hoped the apprehenfions entertained on the fubject would fhortly ceafe.

After various amendments propofed and adopted in the inftructions to the refpective Boards, the Commiffioners of the Board of Cuftoms were called in, when Mr. Gilbert told them from the chair, that he was inftructed by the Committee to inform them, that they were to take into their confideration the following queftion, and be ready to deliver their anfwer and opinions on them to the beft of their judgement and information when they fhould be called upon again to appear before the Houfe.

QUESTION.

Whether the Refolutions of the Irifh Parliament of the 12th of February, if carried into execution, are likely to affect the execution of the laws of the Board of Cuftoms for the protection of trade in the collection of their revenues, and in what manner? And alfo whether thefe refolutions would make any alterations with refpect to the duties, drawbacks, bounties, and prohibitions on the trade and manufactures of this kingdom.

The fame directions, with the alteration of names, were given to the Commiffioners of the Board of Excife.

At their requeft it was afterwards ordered that they fhould have authentic copies of the Irifh Refolutions, and be allowed to give in their anfwer in writing.

After they withdrew, Mr. Gilbert reported a progrefs, and afked leave to fit again to-morrow. The Houfe adjourned at a little after nine o'clock.

Wednefday,

Wednesday, March 16.

Mr. *Stanley* informed the Houfe, that the petition which then lay at his feet, (for it was too heavy for him to carry in his hand) had been tranfmitted to him, with directions that he fhould prefent it to the Houfe: it was figned by *eighty thoufand* manufacturers, in different parts of the county that he had the honour to reprefent (Lancafhire:) they complained of the tax impofed laft year on the fuftian and other cotton manufactures, as abfolutely ruinous to their trade; and of the introduction of excife officers into their houfes: they ftated, that without any benefit to the revenue, this tax would fubject their manufactures to full eight per cent. on the exportation, which would neceffarily deprive them of the markets that they actually had, and drive their workmen to the neceffity of emigrating to other countries. They added, that the admiffion of Irifh fuftians and cottons into England, was all that was wanting completely to annihilate the cotton trade of this country, by which fo many thoufands of induftrious and ufeful fubjects got their bread. After having read the fubftance of the petition, Mr. Stanley moved for leave to bring it up. The motion paffed without oppofition; and the petition having been accordingly delivered to the clerk, and read by him, Mr. Stanley moved, that it fhould be referred on Monday next to a Committee of the whole Houfe. Mr. Stanley

Mr. Chancellor *Pitt* faid, that a petition of fo very ferious a nature, and conveying the fentiments of fo very numerous a body of men, called for the moft ferious attention of the Houfe, and ought to be taken into confideration as early as poffible. If the allegations contained in the petition, or any thing like them, could be fubftantiated in evidence, he was free to fay, that the tax complained of ought immediately to be repealed; and if he was fatisfied that there were juft grounds for the complaints, he would himfelf be the firft man to move for a repeal of the law by which this tax was impofed. He did not, however, think the tendency of the tax fo dangerous or ruinous as the petitioners apprehended it to be: before he took the liberty to propofe it to Parliament, he confulted with fome of the moft eminent manufacturers in the cotton branch; and they were fo far from thinking the tax deftructive, that it was propofed with their full confent. It might be faid, indeed, that thefe perfons, of whom he was fpeaking, Mr. Chancellor Pitt.

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had not been authorized by the other manufacturers to give their assent to the tax: this he now believed to be the case; but he did not know that last year; but without knowing it, he would have thought himself justifiable in proposing a tax, to which a number of the most respectable and opulent manufacturers, acting as private individuals, and not as deputies, could not, or did not, start any objection. Nor, indeed, did it appear from the petition, that the complaints were directed so much aginst the tax itself, as the mode of collecting it; and therefore a modification of the collection, should any alteration at all be thought necessary, might answer all the purposes of the petition. His objection did not go to the petition itself, but to the particular day on which the honourable member wished to have it taken into consideration. For his own part, though he was extremely desirous that the House should go into a minute inquiry into the allegations of the petition, he wished that the business of the Irish adjustment should not be interrupted, and that the honourable gentleman would fix upon some other day rather than Monday next.

Mr. Stanley.

Mr. *Stanley* rejoiced that the right honourable member had gone so far as to declare, that if the allegations contained in the petition, or any thing like them, could be substantiated in evidence, the tax ought not to be suffered to exist; for if his information was true, the allegations were, he was sorry to say it, but too well founded. The effects of the tax had been already found so ruinous, that the capital manufacturers were discharging their men, as fast as the latter brought home their work. However, as the right honourable gentleman seemed to wish that a more distant day than Monday next should be fixed upon for taking the petition into consideration, he felt himself disposed to gratify him on that head, provided it were before the Easter recess.—Whilst Mr. Stanley and Mr. Pitt were consulting about the day,

Mr. Fox.

Mr. *Fox* proposed Monday, and stated his reasons. For his part, though the business of the petition was not so connected with the Irish adjustment, but that it might be considered apart, he was of opinion that the House ought to declare its sentiments relative to the allegations of so immense a body of petitioners, before the Irish business was brought to a final determination; as gentlemen would be better able to pronounce upon the latter, when they should have thoroughly examined the former. The benefit of previous examination would be easily seen, on a reference to the fifth Irish Proposition,

fition, which faid, that when there was an internal duty on the manufacture of one country, a duty might be laid on the importation of that by the other to countervail the former. It was at this moment impoffible for the Houfe to afcertain whether the complaints of the petitioners arofe from the tax itfelf, or from the manner of collecting it; if they arofe merely from the mode of collecting, then the duty on Irifh cottons imported muft take place. But this difficulty could not be removed, or even cleared up, without a thorough inveftigation; and therefore he contended, that the Houfe ought to take this petition into confideration before it proceeded to pafs a final judgement on the Irifh propofitions. By a due confideration of the allegations of the petitioners, many of the objections to the fifth Irifh Propofitions would be either removed, or placed in a ftronger point of view.

Mr. Chancellor *Pitt* ftill perfevered in his opinion, that Monday next would not be the propereft day for taking the petition into confideration; at the fame time he would confent that it fhould ftand for that day, provided the honourable gentleman would, on his part, confent to put it off afterwards to fome other day, if the examinations, &c. relative to the Irifh affairs fhould not be concluded before that day. He did not know that the Houfe could come to any decifion on Irifh Propofitions before the holidays; he was willing to give time for inquiry into the grounds of the petitions that had been already prefented in oppofition to them; and for the prefenting of others, which he underftood were to be prefented; but when gentlemen talked of a recefs, he hoped no man looked for a *long* one, but that all would fee the propriety of allowing the fhorteft that could poffibly be given. Mr. Chancellor Pitt.

Mr. *Stanley* was of opinion, that the evils of which the petitioners complained were of fo preffing and alarming a nature, that the Houfe ought to inquire into the foundation of them without the leaft delay. As he had faid before, the manufacturers, unwilling to fubmit any longer to the hardfhips arifing from a burdenfome tax, and from a ftill more burdenfome mode of collecting it, had refolved to difcharge their workmen as they brought home their work: this had already been done to a great degree; and fo numerous was the body of men thus thrown out of employ, that they were begging through the ftreets in crouds, living only on the bounty and fubfcriptions of their opulent fellow citizens, who were thus obliged to tax themfelves very high in order to prevent the Mr. Stanley.

manufacturers from emigrating to some other country in search of employment.

Mr. Dundas.

Mr. *Dundas* observed, that much greater inconvenience would arise from fixing the order of hearing evidence in support of this petition on Monday next than on a more distant day; for the parties concerned in it had not as yet brought their witnesses up to town: On the other hand, the persons concerned in the petitions against the Irish Propositions were actually in town with their witnesses, and would be put to very considerable expence and inconvenience if they should be detained from their business till after the holidays.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, he believed the honourable member who presented the petition must have been misinformed, and the evil greatly exaggerated, when he was told that the manufacturers, who had applied to the House for relief, were, whilst their petition was pending, actually discharging their workmen.—No one would suppose, that if the relief called for was to be granted they would give up their business; and yet the discharging of their men would operate as a dereliction of that business, which had hitherto been, and which he hoped ever would continue to be, a source of wealth to this country. It was certainly highly improbable, that men should discharge the hands by which they throve and prospered, at least until such time as they should find that Parliament would not redress the grievances of which they complained.

Mr. Eden.

Mr. *Eden* said, that the petition was of a very serious nature, and called for the most solemn investigation; he begged, however, it might be understood, that he, for one, would protest against the repeal of any subsisting tax, unless the most undeniable proof should be adduced that the tax would destroy the manufacture. It would, therefore, be for the petitioners to consider whether they were able to prove, either that the tax was absolutely ruinous to their manufacture, or that the manner in which it was collected was burdensome beyond their strength.

Lord Beauchamp.

Lord *Beauchamp* informed the Chancellor of the Exchequer, that the introduction of excise officers into the houses of manufacturers, by the law for imposing a duty on cottons, &c. had spread a great alarm through the country: the Chamber of commerce of Birmingham had caused circular letters to be sent to all the manufacturing towns in the neighbourhood, to invite them to withstand, what they conceived to be a fixed plan, to introduce the excise laws by degrees into

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all private houses. He would not say that any such plan was in contemplation; but the great manufacturing towns believed that there was; and the Minister would do well to remove such an impression.

Mr. *Rose* was surprised that the late tax upon cottons should have spread an alarm, as if his honourable friend meant to introduce the excise laws into the houses of all the manufacturers. His right honourable friend had found a tax already upon printed goods, &c. and he had only extended it. He was surprised, therefore, that a mere extension could be thought by any man an introduction of a principle. Mr. Rose.

Mr. *Egerton* said, that though the right honourable gentleman might think it strange that the manufacturers should dismiss their workmen, the fact was not the less true; and he could assure him, that if relief was not granted very speedily on the points stated in the petition, above 40,000 men would be thrown out of employment in Lancashire. Mr. Egerton.

Mr. *Burke* said, the consideration of the petition ought not to be deferred longer than Monday. Nothing was more dangerous to manufactures and to morals, than to have large bodies of men, who were able to work, supported by public charity; alms begat idleness, idleness led to crimes, and crimes were the proofs of the destruction of morality. He was astonished to hear an honourable member express his surprise, "that an extension could be thought by any means introductory of a principle." Now, for his part, he was more alarmed at this mode of reasoning than the honourable gentleman might expect; for it led to this—Something as yet unprecedented must de done; and when once done, it became a precedent on which many others were founded; and upon the strength of this first introduction, the precedent was extended step by step, and repeated so frequently, that the principle was at last worn out and forgotten: so that in argument it would be no longer said the "principle was good," but it would be urged, that it was the common practice, and therefore nothing was to be apprehended from it. Thus if the exciseman was once permitted to set one foot in a house, he was sure afterwards to drag in the other, and so at last introduce his whole body. He concluded with an expression of a man, who, from the place where he (Mr. Burke) was then speaking, had declared that the cyder tax ought to be repealed, "because it established a dangerous precedent:"—this expression, he said, would have weight with many gentlemen, but particularly with the right honourable member over against him (Mr. Pitt) Mr. Burke.

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when he ſhould inform them that it had been uſed by the late Earl of Chatham.

It was at laſt agreed, that an order ſhould be made for taking the petition into conſideration on Monday; it ſeemed, however, to be underſtood, that if the examination of witneſſes relative to the Iriſh Propoſitions ſhould not be finiſhed by that day, the conſideration of the petition ſhould be put off to a future day.

Mr. Burke. Mr. *Burke* called the attention of the Houſe to the melancholy ſituation under which thoſe unfortunate people laboured who were ſentenced to tranſportation. In a country which prided itſelf on a mild and indulgent principles of its laws, it ſhould not be ſuffered that the ſituation of particular delinquents, inſtead of being meliorated by proviſions dictated by clemency, ſhould become infinitely more ſevere than could be inflicted in the utmoſt rigour and ſeverity of the laws.—The number of convicts under this deſcription was at preſent eſtimated at not leſs than 100,000. Every principle of juſtice and humanity required, that puniſhment ſhould not be inflicted beyond thoſe preſcribed and defined to particular kinds of delinquency.—But that principle received additional force, when it was conſidered that theſe extraordinary ſeverities were exerciſed under the appearance of mercy; that is to ſay, they were remitted certain puniſhments by the mild ſpirit and principles of the Engliſh laws; and received, in commutation, others, infinitely more ſevere than the moſt rigid conſtruction of the laws had, in the worſt of caſes, deſigned for them. There was, in the mode of puniſhing by tranſportation, no diſtinction made between trivial crimes, and thoſe of greater enormity, all indiſcriminately ſuffered the ſame miſerable fate, however unequal their tranſgreſſions, or different their circumſtances. Beſides theſe conſiderations, ſome regard ſhould, in theſe times of difficulty and diſtreſs, be paid to frugality and œconomy. The buſineſs of tranſporting convicts, among other inconveniencies, was attended with a very conſiderable expence. Inſtances of profuſe expenditure were ſometimes juſtifiable, when they had humanity and clemency for their object; but could never derive any ſanction from cruelty and inhumanity. In order then to ſtrike out ſome mode both of doing juſtice to the laws in this reſpect, and ſave, at the ſame time, a heavy expence to the country, he would move, that there be laid before the Houſe an account of the number of convicts now under ſentence of tranſportation, to an ſland in the river Gambia, ſpecifying the crimes and offences they had committed.

Mr. Alderman *Newnham* remarked on the inconveniencies which arose from the return of some convicts who were sentenced to work in light lighters on the river, and others who were discharged by his Majesty's pardon. Those people, by renewing their depredation on the public, were often the means of depriving honest and industrious people of their bread, and were much better removed to the utmost distance, where there would be the least chance of their returning. Mr. Ald. Newnham.

The *Speaker* remarked, that this motion came at somewhat too short a notice; — whereupon Mr. Burke withdrew it for the present. The Speaker.

The order of the day being moved, for the House going into a Committee on the Irish trade, the petition of the manufacturers of cotton in the town and neighbourhood of Manchester, being first in order, was taken into consideration.—Previous to which Mr. Chancellor *Pitt* moved, "That "part of the Report of the Committee of Council should be "read to the House, in which this branch was particularly "considered." It stated, that the opinion given by the manufacturers examined before them went to prove, that a duty of ten pence halfpenny per cent. on cottons imported from Ireland would be a sufficient protection to the manufacture of this kingdom. Mr. Chancellor Pitt.

Mr. *Eden* expressed his satisfaction in that circumstance being read to the House, as he was curious to know in what manner they should substantiate their complaints, and reconcile them to that declaration. Mr. Eden.

Mr. *Fox* was also glad for the former reasons as his right honourable friend, that the attention of the House had been turned to this statement of the Report, as from the scope and tenor of it, he did not see how this declaration was connected with the preceding parts. The evidence then was called in, and Messrs. Garrow and Phillips appeared as advocates, and one witness was examined. Mr. Fox.

March 20.

Mr. Alderman *Newnham* rose, and called the attention of the House to the state of the law respecting the importation of corn into the port of London. The title and preamble of the last act (the 21st of the present King) was read, and then the Alderman moved, "That the House do immediately re-"solve itself into a Committee to take the same act into con-"sideration." Mr. Ald. Newnham.

The question having been put and carried, the Speaker left the chair, and Mr. Bramston took his seat at the table.

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Mr. Ald. Newnham. Mr. Alderman *Newnham* reminded the Committee of the proceedings he had agitated upon the ſubject two years ago, and ſtated the neceſſity that now preſſed for doing ſomething by way of explaining and amending the ſaid act. He concluded with moving a reſolution, "That it is the opinion "of the Committee, that a bill be brought in for that "purpoſe."

Mr. Rolle. Mr. *Rolle* ſaid, he had taken a part in the former tranſaction, and had oppoſed the bill then moved. He hoped, therefore, that the worthy Alderman did not mean to hurry the bill now ordered to be moved for through the Houſe.

Mr. Ald. Newnham. Mr. Alderman *Newnham* ſaid, he certainly did not mean to puſh the bill forward with more than neceſſary diſpatch. His intention was, to obtain leave to bring it in, and to have it printed before the holidays, that gentlemen might have time to turn the ſubject in their minds, and conſult their conſtituents upon it during the receſs, ſo that they might be prepared to act upon it when the Houſe met again.

Earl of Surrey. The Earl of *Surrey* ſaid, he was extremely glad to hear, that it was not the worthy Alderman's intention to hurry the bill through its ſeveral ſtages. If the bill was neceſſarily connected with the important buſineſs in hand, the buſineſs of a commercial regulation with Ireland, it certainly ought to go on progreſſively, as that buſineſs was proceeded in; but if it was a matter of a different and ſeparate conſideration, in that caſe undoubtedly it would admit of greater diſpatch.

Mr. Ald. Newnham. Mr. Alderman *Newnham* informed the noble Lord, that his preſent application to Parliament was not to form any new and general law, but to paſs a bill for the purpoſe of explaining and amending an act that contained a regulation provided ſolely for the port of London.

Sir *Edward Aſtley* ſaid a few words, but the Houſe was not ſufficiently orderly for us to be able to hear what he ſaid diſtinctly. He, however, recommended to the Houſe to be extremely cautious how they proceeded in a buſineſs of ſuch import.

Mr. Robert Smith. Mr. *Robert Smith* (member for Nottingham) ſtated the allegations and prayer of a petition from the manufacturers of hoſe at Nottingham; and having read both, he begged leave to ſay a few words upon the ſubject. From the names ſubſcribed to the petition, from the manner of the petition's having been ſent to him, and from his connections with the town of Nottingham, Mr. Smith declared, he could not entertain

tertain a doubt but that a petition, the contents of which he had juſt ſtated, contained the clear, undoubted ſenſe of his conſtituents. Thoſe conſtituents, he thought it right to ſay, had inſtructed him and his colleague to oppoſe the propoſitions of the Parliament of Ireland *in toto*, but no man was more an enemy than he was to the ſtrange doctrine, that it was the duty of a member of Parliament to give up his own judgement and vote as he was inſtructed, in all caſes whatever. His wiſhes at all times were, that his conſtituents and he might coincide in ſentiment. On the preſent occaſion, as ſoon as the propoſitions were known, he had examined them, with a view to diſcover in what manner, and in what degree, they were likely to effect the ſtocking manufactory at Nottingham. Such an examination was naturally ſuggeſted to him, by a ſenſe of his duty, as the repreſentative of that town; and he had conſequently looked carefully at the propoſitions, and liſtened with great attention to all that had paſſed upon the ſubject in that Houſe, as well the evidence given at the bar, as the arguments urged in debate. As far as he was at that time able to judge, he had no ſcruple to ſay, that he ſaw no reaſon to think that the propoſitions, were they to paſs into a law, would at all affect or injure the ſtocking manufactory at Nottingham. Poſſibly farther evidence, and farther diſcuſſion, might convince him, that the opinion he then entertained was fallacious and ill founded. Should ſuch an effect be produced on his minds, he certainly would vote againſt the propoſitions. In the mean time, he was extremely happy to learn, that the Houſe was not to be called upon to come to any deciſive meaſure upon the buſineſs till after the holidays. The receſs would give gentlemen an opportunity of conſulting their conſtituents, and of comparing opinions with them. Should his conſtituents, after having heard what he had to ſay in ſupport of the judgement he had formed upon the ſubject, convince him that judgement was erroneous, he would readily lay down his own opinion, and adopt that of the ſtocking manufacturers of the town of Nottingham; in the interim, he had only occaſion to ſay farther, that if he ſhould find it neceſſary to move hereafter, that the petitioners be heard at the bar by themſelves or their counſel, he hoped the Houſe would enable him to procure that indulgence for his conſtituents.

Mr. Smith brought up the petition, and it was read at the table.

Mr. Fox. Mr. *Fox* ſaid, he concurred in the honourable gentleman's candid and manly declaration, that he did not think a member of Parliament was bound to act by the conviction of any ſet of men whatever, but to follow the conviction of his own mind; it was indiſputably the right conſtruction of the duty of a member of Parliament, who was not to ſacrifice the general intereſts of the empire. to any local intereſts, or partial advantages to any deſcription of perſons; but after ample examination of evidence, and deliberate diſcuſſion and argument, was to judge for himſelf what was upon the whole beſt for the public in general. He roſe, however, for a moment, to ſtate to the honourable gentleman, that he ſo far differed from him in ſentiment with regard to the ſtocking manufactory at Nottingham not being likely to be affected by the propoſitions of the Parliament of Ireland, ſhould they paſs into a law, that he was decidedly of opinion, that, conſidered ſpecifically and independently of any other manufacture, the ſtocking manufacture of Nottingham was that peculiar manufacture the moſt expoſed of all others to danger from the propoſitions of Ireland being adopted. The ſtocking manufactory was, he ſaid, expoſed to two different dangers: the danger reſulting from the legal importation of ſtockings, the manufacture of Ireland; and ſecondly, the danger ariſing from the illegal importation of ſtockings manufactured in foreign countries. Mr. Fox ſaid, he did not preſume to underſtand the ſubject better than the honourable gentleman, whoſe conſtituents were of all men the beſt judges of it, and of their own intereſts, but what he had mentioned ſtruck him ſo forcibly, that he could not help ſaying, that it was with ſome degree of aſtoniſhment that he had heard the honourable gentleman declare, that, in his opinion, as far as he was then able to judge, the ſtocking manufacturers of Nottingham were not likely to be affected by the propoſitions.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* ſaid, poſſibly the right honourable gentleman had not given himſelf the trouble to inquire, or did not know what prohibtory duty was intended to be laid on ſtockings imported from Ireland, becauſe he conceived the whole of the argument would turn upon that.

Mr. Fox. Mr. *Fox* ſaid, he cared not if a prohibitory duty of ten thouſand per cent. were laid on the importation, his objection would be ſtill the ſame.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt*, in reply, obſerved, that if a prohibitory duty of ten thouſand per cent. would not ſatiſfy the right honourable gentleman, in all probability he would equally object to an abſolute prohibition.

Lord

Lord *North* rose to ſtate the extreme difference between a prohibition and prohibitory duties. His Lordſhip ſaid the latter always operated in encouragement of ſmuggling, in proportion to their amount; the caſe, however, was widely different in regard to a prohibition. Lord North.

Mr. Chancellor Pitt ſaid a few words more, and the converſation cloſed.

Mr. *Eden* rose to aſk the intentions, or rather to learn the wiſhes of the Chancellor of the Exchequer, with reſpect to the time of next reſuming the Committee on the Iriſh Reſolutions. The inquiry relative to the cotton tax, into which the Houſe was immediately entering, would extend, perhaps, beyond the preſent day, and poſſibly to ſeveral days; and the Houſe conſidering the urgency of that particular object, would undoubtedly wiſh to purſue it to its end without interruption. In the mean time, he was confident it muſt be the diſpoſition both of the right honourable gentleman, and of the Houſe in general, not to harraſs the petitioners againſt the Iriſh meaſure with fruitleſs and expenſive attendances at the bar: he hoped, therefore, that the order for reſuming the Committee, as on that day, would be poſtponed till after the holidays. Mr. Eden.

Mr. Chancellor *Pitt* anſwered, that the inquiry into the cotton tax could hardly be completed in one day; indeed, he had reaſon to believe, that he ſhould recommend the calling before the Committee on that ſubject ſome perſons who were not yet arrived in town; and from this and other circumſtances, he agreed that there was little proſpect of being able to proceed with the Committee on Iriſh affairs before Thurſday next. Mr. Chancellor Pitt.

Mr. *Eden* then ſaid, that as Thurſday next ſeemed, for many obvious reaſons, unlikely to be a day when much progreſs could be made in the buſineſs, he would move to adjourn the order for the Committee to Thurſday the 31ſt inſt. and he hoped the merchants and manufacturers of the kingdom would underſtand that the Houſe would then proceed to receive their objections, and to hear evidence and counſel. Mr. Eden.

Mr. Chancellor Pitt conſented.

It was ordered accordingly.

Leave for different members to go into the country having been moved, a ſhort converſation enſued. Mr. Chancellor *Pitt* urged the impropriety of acceding to ſuch motions, juſt on the eve of a receſs; and when every gentleman knew the important buſineſs that ſtood for Wedneſday, unleſs ſome very urgent and extraordinary reaſon could be aſſigned, to juſtify the Houſe in granting leave. Mr. Pitt ſaid, it was a Mr. Chancellor Pitt.

 hateful

hateful task to interfere with the private convenience of the members of that House, and to no man more hateful than to him, but a strong sense of public duty impelled him to say what he had done. It was stated by several members, that unless the motions for leave of absence were postponed, there would not be a Committee formed previous to the holidays, and by the constitution of the House, no business could be done, nor any adjournment take place, until that should be procured.

Several gentlemen complained of the severity of the attendance, and said to deny members to go into the country for a few days at this season, would be a hardship.

Mr. Chancellor Pitt moved however, "That this House "will not give leave to any member of the House to be absent "from his duty in this House, till after Thursday next."

Mr. Powys said a few words upon the hardship the operation of such a general order might prove to gentlemen particularly circumstanced.

At length the House divided on the question,

Ayes 98. Noes 33.

The order of the day was at length moved, for the House to resolve itself into a Committee of the whole House on the petition of the manufacturers in fustian, &c. when Mr. Blackburn took his seat at the table.

Mr. Piggott and Mr. Garrow were desired to come to the bar, when the former of these gentlemen, in a short speech, opened the case he meant to substantiate, and called Mr. Walker as a witness in support of it. Mr. Walker underwent a long examination, in the course of which he was led to an explanation of his evidence, as it appears in the printed Report before the Committee of Privy Council. This part f his evidence was extremely curious and interesting. He stated, that he had been before the Committee of Privy Council to give evidence on the subject of the cotton trade, and to state how it would be affected by an intercourse being opened with Ireland. He said, that the premises were not explained to him, nor was he put into possession of the meaning of the proposed intercourse, but he had been asked abstract questions, which could not tend to give the necessary light. Having extended his evidence very considerably, a few minutes before eleven,

Mr. Fox. Mr. *Fox* rose, and observed, that the Committee must see the utter impossibility of their being able to go through the examination of all the witnesses to be called in support of the petition, that night, or even to finish that of the witness at the

the bar, whose evidence had been diverted a good deal from the main object of his having been called upon to give the House his testimony. He submitted it, therefore, to the judgement of the House, whether, as the witness had lately been extremely indisposed, and had already been five hours at the bar, it would not be adviseable to break off where they were, and adjourn any farther examination till the next day. Mr. Fox added, that when he suggested this, he did not mean to press it upon the Committee, unless gentlemen in general approved of it; but as he held the House to stand pretty considerably pledged by their votes of Friday to meet the next day, and make a ballot, he thought it would rather prove an advantage than not, for them to adjourn then, and resume the examination after the ballot to-morrow.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that there were two points in the right honourable gentleman's speech. The one, the little probability that there was to be able to go through the whole of the examination that would be necessary that evening. To that proposition he was ready to accede, and therefore willing to consent to adjourn, because undoubtedly it would be impossible for them to go through the whole of the examination, and because he had many new heads of evidence to state, and fresh witnesses to call to prove them, before the Committee could be ripe to come to any decisive vote upon the subject. With regard to the second point, viz. the advantage of adjourning then, in order to secure a ballot the next day, that was an essential consideration indeed, and a reason that weighed very forcibly on his mind. To obtain a ballot the next day, was exceedingly desirable, and what he by all means wished. He was therefore willing to consent to adjourn, but he must beg the Committee to hold it in mind, that it was expected they would exert themselves, and do their utmost to make a ballot the next day, in order that the call might take place, and the Committee be afterwards resumed. He urged this strenuously, as he observed, there stood a very important business, that would necessarily lead to considerable discussion, and take up a pretty deal of time on the day after the next day. He concluded with moving, "That the Chairman ask leave to sit again the next day."

The Committee was accordingly adjourned, and the House being resumed, rose immediately.

Tuesday, March 22.

There were not one hundred members in the House, and they therefore could not ballot.

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This continued to be the case from day to day, through the whole week; the election to be tried was the county of Buckingham, which threatening a very long discussion, kept members from the House. The week after being Easter, the Speaker and the officers came down every day, without any prospect of a House, as agreeable to the act, the House could only adjourn from day to day.

Monday, April 4.

At length the House proceeded to a ballot on the Buckingham election.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* called the attention of the House to a circumstance, which, he said, was one among many disagreeable consequences of the late delay of public business. It had been intended, previous to the holidays, to renew the act passed in the last session, empowering his Majesty for a limited time, by proclamation, to dispense with the several dockets, &c. necessary in our intercourse with the States of America under the present law. Such renewal, under the late circumstances, was impossible, and the act being now on the point of expiring, it became necessary that it should be passed with all possible expedition. He therefore moved, "That leave be given to "bring in a bill for continuing the said powers to his Ma-"jesty for one year, ending April 5, 1786.

Mr. Fox. Mr. *Fox* said, he certainly had no objection to the passing of the present bill, but he wished it to be passed only for such a space as that the subject might be discussed within the present session. It was highly necessary, he said, that some permanent system should be introduced, and that adjustments of such consequence should no longer depend on temporary expedients.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed, that the introduction of such a system as the right honourable gentleman had mentioned, would effectually renew the discussion whenever it was thought proper; there was in that case no necessity to wait for the expiration of the bill.

After some conversation, the bill was brought in, read a first and second time, committed, and before the House rose, read a third time, and ordered to be engrossed and sent to the Lords.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* expressed a desire to know if the Counsel were ready to proceed on the petition from Lancaster, complaining of the late tax on cotton manufactures.

Some objections being made on the plea of want of notice, it was agreed that business should come on to-morrow.

Mr. Chancellor *Pitt* gave notice, that he should on Monday next proceed to lay before the House the plan for a reform in the representation; to enforce the attendance of members on a business of so much importance, he proposed that the call of the House should be on the day following. Mr. Chancellor Pitt.

Mt. *Eden* hoped that the right honourable gentleman would have no objection to defer the business for a few days longer, that there might be as full an attendance as possible. It was true, he said, that gentlemen were already apprized of it, but he submitted to the House, whether it would not be better to delay entering upon the consideration of it till Friday or Monday se'nnight. Mr. Eden.

Mr. *Fox* thought there was no occasion for delaying the business longer than the day proposed by the right honourable gentleman (Mr. Pitt.) Gentlemen were already prepared for it, and as there was an order of the House, on a former day, that no member should absent himself without leave, it would be inconsistent in the House to admit of any farther delay, on the supposition that gentlemen were not prepared to attend. Mr. Fox.

Mr. Chancellor *Pitt* said he had not the smallest objection to the day proposed by the right honourable gentleman (Mr. Eden). He wished the subject to be weighed and considered with that deliberation its importance demanded. He would therefore move, "That this day fortnight be appointed for "going into the business of the reform, instead of this day "se'nnight; and that the House be called over on to-morrow "fortnight." He was sorry to be under the necessity of enforcing attendance; but such was the urgency of public business, that he hoped every gentleman would acquit him of any wish to create inconvenience. He was, therefore, of opinion, that the call ought to be enforced, and that every member who did not attend should be taken into the custody of the Serjeant at Arms. Mr Chancellor Pitt.

Petitions against the Irish propositions now pending were presented by the House from the following places, viz. Paisley, Dunfermline, Derby, Leeds, Suffolk, &c. and all referred to the Committee on the Irish trade.

Lord *Maitland* having presented another petition to the same purport from the operative weavers of Glasgow, it was long debated whether it should be received or not, as it was signed but by a few, who, it appeared, were deputed for that purpose by upwards of 14,000 manufacturers. Lord Maitland.

It appeared, however, the general opinion of the House, that no petition should in future be received, which was signed by any other than the petitioners, and to enforce this decision, it was agreed, that a resolution of the House to this purport, in the year 1686, should be reprinted in the votes of this day.

Petitions praying for a repeal of the tax laid last session on cottons, fustians, callicoes, &c. were presented from Lancaster, Manchester, and the manufacturers called country-makers in the vicinity of the same. Referred to the Committee on the Lancaster petition.

Adjourned.

Tuesday, April 5.

Mr. Grenville. Mr. *Grenville* intimated to the House his design of moving on a future day some amendments of the act for the trial of election cases. The late experience which the House had had would convince them that something was necessary to be done, to avoid the many interruptions which the operation of this act gave to public business. It was unnecessary for him to say how much he respected the act itself, he entertained for it every prejudice which could animate the breast of man, and he would not, with unhallowed hand, touch its principle, or demolish any of the valuable provisions which it had introduced into the trial of election cases, by which an end was put to the violences that used to attend their discussion in that House. He wished to be honoured with the advice and assistance of gentlemen, particularly of those who had made the act their study, and who had taken an active and zealous part in the exercise of its functions since the establishment of that new tribunal. He believed, that the regulations which he had to propose would be found salutary, without entrenching in the smallest degree on its principle, which, whatever might be its reception at first, was now highly and universally popular.

Wednesday, April 6.

Mr. Alderman Newnham brought in his corn bill, and it was read a first time.

Mr. *Rolle* said, he must oppose the bill now as he had done heretofore. It was a matter of the most material consequence, and

and so particularly concerned the country, as well as the port of London, that he hoped gentlemen would be attentive to its progress through the House. He should not state his ideas in the present stage, but rose to request the honourable Alderman not to hurry the bill through, but to give them timely notice of its several stages.

Mr. Alderman Newnham.

Mr. Alderman *Newnham* said, that he was convinced the bill, upon inquiry, would be found productive of advantages to the country, as well as the port of London. It was not a local bill; it had the merit of a general aspect; for unquestionably the general tone of the market must depend on that of the town trade. He assured the honourable gentleman, that he should not hurry the bill through the House, but should be equally desirous with himself of its receiving the most attentive discussion.

The bill was read a first time.

Sir Adam Ferguson.

Sir *Adam Ferguson* stated, that he had in his hand a petition ftom the master printers of Edinburgh against the Irish Resolutions. Before he presented it, he must beg leave to submit to the House the point of order. It was signed by eighteen names only, who stated themselves to be a committee deputed by, and signing the petition on behalf a great number of gentlemen, master printers, in the city and vicinity of Edinburgh. He wished therefore to know from the chair, whether a petition thus signed was admissible? He had heard it questioned, and thinking himself there was an informality, he considered it as his duty to communicate the matter to the House, and not to take them by surprize.

The Speaker.

The *Speaker* said, that unquestionably the petition was informal. He recommended to the House the necessity of adhering to their rules, and of preventing the many vexations they would be subject to, by giving admission to petitions from delegates, from presidents, and persons, on behalf of themselves and others.

Mr. Fox desired to know if the eighteen persons who had signed the petition were themselves master printers?

Sir Adam Ferguson said they were.

Mr. Fox.

Mr. *Fox* observed then, that agreeable to the rules of the House the petition might be countenanced; for they could not receive it as the petition of the numerous body represented by the committee; they might entertain it as the petition of the eighteen master printers who had signed it.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, he was of a contrary opinion. The House, perhaps, had relaxed too much from its orders in

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the countenance of petitions. Anxious as they were to make the path of the subject to that House as open and easy as possible, they had departed too far from the rules which the wisdom of their fathers had found necessary. But it was easy to foretel the many inconveniencies that would result from a loose practice in this respect.

Sir Adam Ferguson.

Sir *Adam Ferguson* said, he would communicate to the gentlemen the result of this conversation; and he hoped they would yet be in time, by a regular petition, to state their case to the House.

The petition was then withdrawn.

The House then went into a Committee, and heard evidence on the Manchester petition on the cotton trade.

END OF THE SEVENTEENTH VOLUME.